



LAPORTE COUNTY
BOARD OF ZONING APPEALS

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Michael Polan
Building Commissioner

January 20, 2026

Dear Members:

The regular meeting of the LaPorte County Board of Zoning Appeals was held Tuesday, **January 20, 2026, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Melissa Mischke Ernie Schmidt
 Jeff Baltes Eric Pointon
 Brad Mrozinski

PRESENT: Michael Polan, Recording Secretary; Attorney Doug Biege, Janet Cole

The Pledge Allegiance.

Michael Polan stated they are going right to the elections. As soon as they have a president, he will turn the meeting over and the president can finish the rest,

Eric Pointon nominated Melissa Mischke for President.

Jeff Baltes seconded.

Michael Polan asked if there were any other nominations.

Eric Pointon made a motion to close nominations and Jeff Baltes seconded.

All Approved. Motion carried 5-0

Melissa Mischke stated with that, I will entertain motions for Vice President.

Jeff Baltes nominated Eric Pointon and Ernie Schmidt seconded.

Melissa Mischke called for a vote for Eric Pointon for Vice President.

All Approved. Motion carried 5-0.

Melissa Mischke: Good evening. Tonight is the Tuesday, January 20th meeting of the Board of Zoning Appeals, and I want to do just a couple of housekeeping items for everybody and let you know, first and foremost, the screen we have is for an expert available to the board for questions that need to be addressed. So, it's not someone doing a presentation.

I want to remind everybody to turn your cell phones off or silence the ringers during the meeting.

And for petition #1, which I'm sure most of you are here for, I want to let everybody know that we are going to go straight into any questions from the Board of Zoning Appeals this meeting. This was tabled from last month and state statute was followed with respect to notice of publication. Legal work and remonstrance were asked for and provided at that meeting, and the public comment section is closed. So procedurally, that petition is all taken care of.

So tonight, the only thing we're going to do is ask questions from the board and then make a vote of some sort. As it pertains to public comment, for board of zoning appeals in general, it is in the form of remonstrance. People can speak in favor or against a particular petition, at this time, we do not have general public comment.

APPROVAL OF MINUTES:

Melissa Mischke asked for approval of the minutes from December 16th, 2025 meeting.

Ernie Schmidt made a motion to approve the minutes and Eric Pointon seconded the motion

All Approved and motion carried 5-0

PETITIONS:

Melissa Mischke stated, petition #1 is on the table and I will entertain a motion to remove from the table.

Jeff Baltes made a motion to remove Petition 1 from the table.

Eric Pointon seconded the motion and it carried 5-0.

Melissa Mischke read, the reason for petition #1 is the special exception for **Milestone Environmental Services LLC, MIS Kingsbury, LLC and Kingsbury Investments, LLC**, represented by Council Dave Ambers of Dave Ambers and Associates PC for a non-hazardous wastewater treatment and injection facility located at the southwest corner of 5th Line Rd. Central Rd. in La Porte, Washington Township. Zoned M2 on 30.855 acres. Parcel: 46-15-10-200-001.000-066.

Dave Ambers stated, Madam President. Good evening. Congratulations on your reelection. That legal description, it should be approximately 24 acres. They are not buying the entire Sidwell. Tonight, we're back before you on the petition.

Melissa Mischke stated, I am going to have to stop you and ask you to state your name and address for the record.

Dave Ambers from David Ambers and Associates PC, 601 State St. Suite B.

As you've previously mentioned, last month we appeared before you. This matter was tabled. So, we're back again.

Here with me is Mike Lamb, vice president of Milestone Industrial and Zach Garrett, who's a senior project manager for Milestone, and we've brought an expert that can answer any of your questions better than anybody. Mr. Ken Cooper, who is a board member of the groundwater Education and Research Foundation and is also involved in the permitting process for Milestone and for region five of the EPA.

Melissa Mischke stated, you know, we're not going to have any further presentations. We are going to wait and see what kind of questions the board has. If you would state your name and address for the record.

Michael Lamb, 840 Gessner Rd. Houston, TX.

Ken Cooper, I'm with Petrotech corporation. My address is 5935 S. Zang St. Ste. 200, Littleton, Co 80127.

Melissa Mischke stated, we didn't have enough information, I think as a board. We have been inundated with information from the public with remonstrance and I feel compelled to mention, as well as, some additional information from Attorney Ambers and some other information that's been provided to us again from concerned citizens on environmental impacts and things of that nature. I'm glad we had an opportunity to really delve into some of that information as a board and see what kind of questions that we have.

One of my questions is you guys are an LLC limited liability. What happens when something goes wrong out there? Who is responsible for clean up? Since we already have a Superfund site out in Kingsbury Industrial Park, I know that you guys say nothing's going to happen, but you have to plan for some sort of an event where you're going to need to do some cleanup. Who would be the party that's responsible for that?

Mike Lamb stated, the LLC is the corporation type that doesn't have to do anything with the liability from a spill or a situation like that. Related to the facility though, even before drilling the well, we'll have to have bonds in place. The bond is based on the projected cleanup and remediation and plugging of the well and the bond is put in place prior to construction.

Ken Cooper stated, EPA will require that bonds be posted as part of the permitting process and to be able to obtain a permit to obtain approval of a permit, EPA would have to accept that bonding mechanism. There are a variety of different financial assurance mechanisms, that Milestone would be able to use, but it would have to go through the EPA process and be approved before they'd even be allowed to drill, let alone operate. And that would have to be updated on an annual basis throughout the entire life of the project.

Eric Pointon asked, how likely is an item for EPA approval on a new well?

Ken Cooper stated, the approval process is site specific for each individual well that's proposed even for sites that already have wells. And so, I can't speak for EPA. I've got 40 years of experience working on these types of wells in Region 5, we do a majority of the work in Indiana on Class 1 wells. And I would say that it's certainly more than 50-50, but that is self-selected because the majority of entities that consider the technology go through fairly extensive feasibility studies, typically prior to preparing an application and submitting it to the EPA. So the fact that many of them do get approved is more associated with looking into the issues prior to submitting a permit, and we've done plenty of feasibility studies over the years where we have told people, not the greatest idea, not the appropriate site, not the appropriate fluid for disposal, etc., and that usually ends a project long before it ever gets to the stage of being in front of a board such as yourselves.

Eric Pointon: and then I guess to go with that, it looks like it's a two-year permitting process?

Mike Lamb: that's been the experience.

Ken Cooper: There are no requirements by EPA. EPA takes as long as EPA deems appropriate to review the materials so it could be a year. It could be five years. My experience over the last half decade or so, in Region 5, is that it takes on the order of 12 to 24 months. If a site is reasonable and if a good job has been done on a permit application, the design's correct and all that sort of thing. So there really are no guarantees and EPA can send you back to the drawing board as many times as they feel like and often times do.

Mike Lamb: You submit your application, as Ken mentioned, they're going to come back to you with more questions or they may suggest different parameters for, you know, injection rate flow, what whatever it is. So, it's a back-and-forth process. It's not just submitted the application and it's approved pretty straight.

Eric Pointon: What makes up Region 5?

Ken Cooper: Region 5 is multiple states. Their main office is in Chicago, but they are the authority that implements the underground injection control rules under the Safe Drinking Water Act. So, there are federal rules that dictate what I can and can't do.

Eric Pointon: What is the footprint of? What states are included?

Mike Lamb: Wisconsin, Illinois, Indiana, Ohio, Michigan.

Eric Pointon: How many wells are kind of in that area? Do you know currently?

Ken Cooper: Currently yeah, from the Class 1 perspective, there are about 50 Class 1 wells in Region 5.

Melissa Mischke: And to be clear, one of those Class 1s, we have a non-hazardous in LaPorte County as well existing and we have a hazardous in Porter County.

Ken Cooper: There are actually three Class 1 non-hazardous wells up in Michigan City.

My company and myself have done all the work for more than 30 years at that facility on those wells. There are also multiple wells in Porter County near Valpo and then up by the lake. There had been more Class 1 hazardous wells historically at some of the steel mills along the lake. Mittal Steel is the only one left that is currently operating those types of wells. Those are hazardous wells at Mittal Steel. The other wells in Porter County are non-hazardous wells. Thank you.

Melissa Mischke stated, what kind of questions do you guys have?

Eric Pointon: I guess we had talked on earlier last month as far as gallons per minute or gallons per day that potentially would be injected down like what kind of numbers are we looking at as a gross number or the highest it could possibly be at one point? Actually, I'd like both. Well, on the well itself, I'd like a gallon per minute. I know last time you said it was a low pressure. Do you know the pressure and or both, gallons per minute on that well?

Mike Lamb: So, we plan to permit the well for 500,000 gallons per day. That's largely based on the actual design of the well. That'll be the capability of it. Operationally, we plan to operate in the 150 to 200,000 gallons per day. The well is able to handle that much liquid; the waste is coming to us by truck. So, you got to think about the operational traffic flow there in process and you know we're operating during daytime hours Monday thru Friday. So really, the unloading verification of the waste treatment that's really the bottleneck. We'll likely never hit anywhere close to the 500,000 gallons per day.

Ken Cooper: And to be more specific with respect to rate, the 500,000 gallons a day would be a volume obviously if the well were to be operated continuously it would be approximately 350 gallons per minute. As Mr. Lamb had just indicated, the rates would more likely be on the order of 150 to 250 gallons a minute as far as actual rates. So, what EPA does is they look at a maximum value and they implement a permit requirement that says you cannot exceed certain maximums, be that for pressure rate and a whole variety of different circumstances. And so, the pressures would be determined based on-site specific data but based on surrounding information and geological information in the area, it's going to be somewhere between 500 and 900 PSI for a wellhead pressure. Obviously at the bottom of the well, it would be a higher pressure because you have all the weight of the fluid from the surface all the way down, right? So, the injection would take place under positive pressure using a relatively small injection pump for this type of operation at rates of 150 to 250 gallons per minute and there would likely be a permit maximum of 350 gallons a minute.

Ernie Schmidt: Are we going to have anywhere from, let's say 40 semis a day hauling in and out of this project?

Mike Lamb: I'd say 40's probably at the very high end, you know, years down the road of operating the more regular would be, you know, 20 to 25 trucks a day.

Ernie Schmidt: 25 in and 25 out.

Mike Lamb: I mean they will come to the facility loaded and then will leave empty.

Ernie Schmidt: But then you're also hauling out the landfills, right?

Mike Lamb: Hauling out the landfills would be, maybe a load a week one. The only thing going to the landfill, it would be the filtered solids. So, it's probably even less than that. It's probably maybe every other week would be an outbound load to a landfill.

Ernie Schmidt: Does your company have a staff that's mobile to clean up the spills on our highways and county roads? Or is that something that the county has to absorb?

Mike Lamb: Are you asking if, are you assuming that all trucks are going to leak and spill?

Eric Pointon: If there was an accident or a leak? I mean, we saw it with a company. They left the hatch open and spilled stuff all over Highway 39. Human error obviously is a thing. Is that something that our County is going to clean up and pay for and bill you or do you have a team if something like this happens? With all these other wells, I'd imagine there's some kind of a response team.

Mike Lamb: It'd be the same for any other waste or recycling company if it's in transit, not in our property, it's on the trucking company and their insurance to handle. That's the same if it was a product. You know if you were hauling a tanker of solvent to a paint manufacturer in that same material, if that truck were to have an issue, it's going to be on the transportation company to be responsible for that. If we own the trucks, then yes, we would be liable.

Melissa Mischke: Where are the trucks coming from? The waste that you're bringing to this potential site. Where I can get a guess? It's not from LaPorte County specifically.

Mike Lamb: I was just going to ask you speaking geographically?

Melissa Mischke: How far away?

Mike Lamb: So, waste by truck typically only travels one to two hours by truck. It's not going to go 6-7 hours. We're not going to be bringing waste in from other states, you know, maybe the border, you know, over into Illinois, like Chicago or up into southern Michigan. But we're not like shipping waste from Texas up here, for example. Based on our research, within 50 miles of the Kingsbury location. There's roughly 50 million gallons per year of wastewater that is either treated or shipped off site. And then if you go 100 miles out, that number almost doubles.

Melissa Mischke: So that number that's doubling almost doubles is not within our State, 100 miles would.

Mike Lamb: I guess would put you outside of Chicago.

Melissa Mischke: A majority of the waste is going to come from outside of Indiana?

Mike Lamb: No. It's 50 million gallons within 50 miles of LaPorte.

Ken Cooper: I'll add to that for some clarity. There are other commercial wells that are present in the state of Michigan, for example. There are wells kind of surrounding, so you have some difficulty penetrating that market. We do some work for those operators also. And as Mr. Lamb had indicated, the further you have to transport the fluid, the more expensive that transportation gets. It becomes non-cost effective to transport at long distances. So, you've got facilities in Detroit, you've got facilities in Central Michigan, you've got some facilities in the Chicago area. So, getting a whole lot South of Indianapolis, getting a whole lot of distance into Michigan and a whole lot of distance really frankly past Chicago becomes very challenging because of the competition, that would be a lot closer and the trucking would be that much less expensive.

Mike Lamb: I'm in Texas now. I'm from Wisconsin and I have lived in Wisconsin my whole life, up until two years ago. I've worked at a facility in Portage. I've worked at a facility in Indianapolis and I've worked with other facilities in Gary and other towns around this area. I'm very familiar with the waste generators in this area and the competition and see this as an area that is attractive because of the need for a more modern and sustainable disposal. Another option than what's currently in this area.

Eric Pointon: I guess the extra need for this facility over facilities that are already out there and or wastewater treatment plants. Why do we need this, over what's already out there?

Mike Lamb: So, as we've said multiple times, this is a non-hazardous facility, right? Not hazardous waste. There are many contaminants out there in wastewaters that wastewater treatment plants are not typically capable of handling. And even CWT's (Centralized Waste Treatments), for example, they typically have more robust treatment systems. They're still chemicals out there that they can't go through a CWT facility, and so that's an example where a deep well injection facility would be better suited.

Melissa Mischke: So, when I was going through the documentation. Pretty much the only thing I did not see on your list of waste that you would take is nuclear waste, oily substances. Everything else was on this list with the exception of nuclear waste. So that makes me think and I understand the classification system, that it is a non-hazardous well, but I don't know that with the number of things that I saw in the documentation you provided us last month that that is considered non-hazardous.

Ken Cooper, So the primary use of Class 1 injection wells is to manage salinity. I'll give you an example. Let's say we had a system that you had groundwater that had been contaminated by, for example, a salt storage facility. And I'll bring this up as an example because in Valparaiso, the Indiana Department of Transportation had a facility that had percolated salt into the shallow groundwater for many decades. My company drilled a well for the state of Indiana and operated that well, disposed of almost 1 and 1/2 billion gallons of salt water. So it was anywhere from 5,000 to 35,000 total dissolved solids salt water. To give you an example, seawater is on the order of 30,000 give or take. So, it's not hazardous, so to speak, but it's still a mass of salt that you don't want to have in surface waters. So, that's a very significant use of disposal wells around the state and around the country from Alaska to Florida. The dominant use of disposal wells is to keep that mass of salt out of things. And so many of the waste waters that had been described in the materials that had been provided to the board, describe things that primarily had salinity in them. There may be some other compounds as well, but a lot of it is various types of salinity. The non-hazardous versus hazardous distinction is a federal resource Conservation Recovery Act distinction between things that are regulated by EPA, as an environmental hazard, versus things that like we still are not going to drink seawater. I'm certainly not going to drink water that's recovered from a groundwater cleanup or many of the industrial wastes that maybe it's even a bleach that comes out of the system for cleaning up an industrial facility. And the main reason to manage the fluids the sodium that remains in the system after the bleach has been spent. Well, those things are problematic for human consumption. They're problematic for exposure to the environment. You don't want to simply dilute them and release them on surface, so the well allows you an option to be able to isolate those fluids permanently from the environment. And it is by no means something that can be used to manage, you know, solvents, spent solvents, things like that. They're all going to be hazardous according to EPA, certainly not radioactive waste. That's not something that is allowed by regulation. So, it's something that ends up being tested very extensively, according to EPA regulatory requirements, where they say it fits in one category another and even though it may be non-hazardous, that's still not something that you want released into the environment, which is why we're managing it either via some sort of treatment or treatment and disposal, and we're keeping it out of the surface environment. That's the whole intent of that.

Melissa Mischke: We're not treating anything that's coming here, correct? It's just disposing under the surface.

Mike Lamb: It's treated before being injected.

Melissa Mischke: I read in your materials said that you're not treating the waste when it comes in.

Ken Cooper: Perhaps the statement was not treating it for changing its regulatory definition.

Melissa Mischke: But we're going to have to agree to disagree on that.

Ken Cooper: That might have been the attempt.

Mike Lamb: And just to be clear, no nuclear waste, no radioactive waste. I believe we mentioned pH adjustment, which is a form of treatment. Filtration of solids is a form of treatment by EPA definition.

Melissa Mischke: Your pH range though is from like 2 to 12.

Mike Lamb: It's the non-hazardous range.

Melissa Mischke: So, what does that do to the casing that is down there?

Mike Lamb: It's neutral. So, say stream came in at a three and through our treatment process, we would have a target range much like your POTWS (Publicly Owned Treatment Works) or CWT's. That are more in that neutral area, say of a 5 to 9. But those lower ends and the high ends are not your common non-hazardous waste streams would be bringing in. It's just that's how non-hazardous facilities are typically permitted. It is for the non-hazardous range of the ph.

Ken Cooper: EPA would require that all of the materials of construction would be fit for purpose to be able to manage the intended waste stream. So, if something came in at a pH level of three, was adjusted to a pH of five and a half, all of the equipment that was going to be contacted by that fluid would have to actually be serviceable under that pH of five and a half. And the casing by the way would never get contacted. That's part of the beauty of the technology is that there's a tubing string, but that tubing string is replaceable and is continuously monitored 24/7 and all of that data has to be reported to the EPA. So, the permanent casing that's cemented that provides for the isolation never even gets contacted by the waste stream.

Melissa Mischke: Any others have any questions? Thank you, gentlemen. If you'd like to have a seat.

I want to just acknowledge that we have a very large show of support against this petition here and that with the amount of remonstrance that we received as well. I want to remind everybody in the community that this is the authority board in the County that does handle variances. The only board that makes decisions on variances. You're not going to get that from your County Commissioners or another board. So we also do not conduct business on Facebook. If you want to get involved with the community and what goes on with the Board of Zoning Appeals, then this public meeting that we have every month on the third Tuesday of the month. This is where you're going to find that information and we would love to have more participation from the public.

Since we've gone through our questions, I'm going to entertain a motion.

Ernie Schmidt made a motion to not pass this variance. Eric Pointon seconded the motion to deny.

Melissa Mischke, I have a motion to deny and a second to deny all those in favor of denial.

All approved. Motion to deny carried 5 - 0.

Melissa Mischke, your petition has been denied. Thank you, any questions please get in touch with the Building Commissioner's after the meeting. Again, public comment is over. We made a decision and voted.

Petition#2: Melissa Mischke would like to see if petition #2 is here. Petition #2 is a variance of developmental standards for Gary S Meloun and Brianna Renay Shaw and Christopher McGrew. To split a parcel in two. Petition. #2, are you here in the audience? They were tabled from last month. If we have tabled them for two months in a row, we can remove them from the agenda.

Doug Biege: I'm going make a guess they are waiting for a survey. This time of the year, they are waiting on a Surveyor. I suggest we leave it on or wait for them to contact us and put it back on whichever way you want go. I don't think you should dismiss it though. I'm thinking it may be out of their control because we told them to go get a survey, remember, right.

The board decided to leave it on the agenda and keep it tabled.

Petition #3. This evening is a petition for variance of developmental standards for **Indiana Land Trust Company number 120862 seller and Peter Byrne buyer** to construct a home with a six-foot set back instead of the minimum required 10-foot setback. A front slope set back of 6 feet to 18 feet instead of the minimum required 25-foot set back. Request, a 5% increase from 35% to 40% building coverage and a 10% increase of lot coverage from 45% to 55%. This property is located between 15 and 18 Elm Drive. La Porte, IN., Center Township, zoned R1B. Parcel 46-06-27-252-020.000-042

Attorney Biege: notice is adequate

Melissa Mischke: If you would please state your name and address for the record

Peter Byrne 7 S Lincoln St. Hinsdale, IL 60521.

Melissa Mischke, Peter, you're asking for a lot of changes with your petition. So, what is unique to the situation with your particular property?

Peter Byrne: I think many, the size of the property is 50 feet in width and with the 10, but I think it's with 20 side yards. That would be 10 feet on either side. With the side yard setbacks which would leave the house as a 30-foot-wide house, I think to construct the house that you know that's basically just looks better because we do have to do an attached garage to the house. There is no additional room for a for a detached garage. With an attached garage, a house that's going to be less than or is going to be 30 feet wide really just becomes a front-loading garage. You have a garage that's really 20, maybe 22 feet, and then that leaves you at about 6 or 7 to 8 feet on the other side.

Our request was to have a house that's going to be 34 feet wide, which we're still 10 feet on the east side and it would be a six-foot side yard on the west side. The reason for the 10-foot on one side is to allow parking or additional parking, obviously that is the code requirement and the reduction is under 6-foot side, there's actually an electrical pole on that side of the house. So, it makes sense to have it on the west side, the 10 foot and the six foot on the other side, as regards to the front yard setbacks. Again, the depth of the lot. You know we're going off of the survey of record. We're still waiting for the official survey, but we checked, the county records of the survey and trying to keep the rear yard setback consistent.

We need the variance in the front yard. It is a sloped lot, so that's why one side would be getting six feet minimum and it did slow us back to maybe 16 to 18 feet again. We're waiting on the exact survey.

Eric Pointon: What would this House be used for? Would it be a primary?

Peter Bryne: A personal residence for me and my family, more of a vacation home.

Eric Pointon: You realize we don't allow temporary rentals?

Peter Byrne: Yes, it would be for family use only. I guess the the reason for the 5% increase in FAR (Floor Area Ratio) is basically just to get a house that's just about 3000 square feet for a family of 6. So, the cost of construction today for us to build a house that's a lot smaller than that, it just you know we need that square footage of the house. So, we kind of calculated out the FAR that we needed and then we kind of worked within the the zoning requirements from there. I think we try to come up with the least invasive ways as possible. I still get a house to work.

Melissa Mischke: So, if we were to approve this petition, how soon would you start construction?

Peter Bryne: We'd like to get going in spring if we can get a plan drawn and get going. Our plan would be to start it as soon as the weather is appropriate.

Melissa Mischke: Then how long do you anticipate construction taking?

Peter Byrne: Probably about 10 months. I am a home builder. That's what I do for a living, I build homes. However, this home is for our own residence.

Melissa Mischke: Do we have any remonstrators this evening that are here for this petition, either for or against? If you'd like to have a seat, we have a couple people that we'd like to hear from. Good evening. If you would please state your name and address for the record.

Remonstrator: My name is John Ellis and we're building the house next door.

Melissa Mischke: John, if I could get you to speak into that microphone since we were notified, they can't hear you very well out there.

John Ellis: We are currently building the house next door 18. First thing I wanted to say is that I don't have that sketch. What I have by way of the petition is just this one page.

Melissa Mischke: Now that I found mine, I'd be happy to share.

John Ellis: Thank you very much. And you know I don't understand a lot of this. Just by reading it right away. Our builder is here and does understand it. I will say just by reading the petition that we did have and going out to the property, I had a lot of questions. I don't understand how big the lot is. What portion of the lot is actually being sold right now? Because my neighbor on the other side where the lot is between the two of us, she currently owns that lot, and so I don't know what portion of her property is being sold to Mr. Byrne. It looks like based on where the stakes are, only a portion of the lot that's between us is being sold and it's not all the way to the lake. But again, I can't really tell.

Melissa Mischke: I think if you look at the second page, it's going to be an aerial photo with it. Mike you were out there. Do you have any information that you would like to share on the parcels?

Michael Polan: The lot is small. It's more typical of what would be classified as R1E zoning, which is common for that lake area. I don't think hardly any of those lots can meet the setbacks there. Most of them are legal, non-conforming or I require them to come here and talk to you folks.

Eric Pointon: We just granted you a variance as well.

John Ellis: That is true, to be closer to the road, and we're still about 20 feet from the road.

Melissa Mischke: We're to discuss the petition in front of us. Not your petition, so, what other questions do you have with regard to his petition?

John Ellis: I was not aware of what the parking plan was going to be. And so, you know, if there is, they're trying to get 6 feet to the road. And if they don't have an adequate parking situation, what that means is that there could be parking on the street. And if that is, you know, that could create problems for the kids that are riding bikes, including my kids, on the property. In looking at the website and what is required for a petitioner to prove at this point you know the 1st, is that the approval will not be injurious to public health. And given the parking situation, you know we don't know whether it will or not. We certainly haven't seen any evidence that would suggest it won't be.

The second is that the use and the value of the area adjacent to the property my property, involved will not be affected in a substantially in adverse manner. We certainly haven't heard any evidence to show that my property values won't go down by having a house that is 6 feet closer to me than the law allows.

Melissa Mischke: Remind me again what your petition, we granted you a variance for closer to your boundaries were changed as well, right closer to the street. But we did change you set back closer to the street.

John Ellis: Right now, we're between 20 and 24 feet from the street.

And the third thing that petitioner needs to prove is that strict application of the terms of the zoning ordinance would result in practical difficulties in the use of the property and, importantly, the practical difficulties shall result from exceptional or extraordinary circumstances or conditions applying to the property, that do not apply generally to other properties in the same zoning district. And Madam President, you asked what is unique about the situation and the answer is there's nothing unique about the situation. It's just a small lot and so this is not anything that couldn't be anticipated. They know the size of a lot when they're buying it. They know what the zoning requirements are and they know what the size of the home that they can build. And so, that is all I have to say and I appreciate you.

Melissa Mischke: Sir, if you'd like to come forward. The next remonstrator. Thank you.

Remonstrator: My name is Nick Ellis. I'm at 2313 1/2, also on Elm Road, so my property is directly across from where the construction will be taking place. You know, obviously I'm brothers with John.

The property was in our family for almost 40 years now, and when our uncle passed away, it passed to us. We both made a very weighted decision to keep the property in the family and we're both investing a significant amount of money because of the way the property is. To go out there and see this lot and see how the property is going to be built out is pretty alarming. To see how close it is going to come to my brother's property. How close it is going to come to the street. Certainly, if we allow up to 6 feet from the lake, it would be a grade variance. From what we see from other properties in the area, there will be significant setbacks is what's listed. Front sloped setback of 6 feet to 18 feet instead of the minimum 25 feet requirement is what is listed. So, if I'm misunderstanding that, I apologize. But to think that it could come as close as six feet away from the front is alarming. So that's my

reaction to it. I don't think it would be complementary to the neighborhood to allow it. Thank you.

Melissa Mischke: Thank you. Do we have any other remonstrators? Anybody for or against this petition? Any remonstrators?

Remonstrator: I'm Dave Streeter, Jade Construction, 11 W 79th place in Merrillville, IN. My question and this hasn't been asked on this, so there's a height restriction that would be my question. When you have a lot this small, this was not brought up in there. I am just trying to ask a question that has not been brought up yet. I know that there's 25 height restriction. Am I right on that, is 25 feet the height? Because when you get a smaller section, you start having to build them tall. And then did I hear that right? Are we talking 6 feet? Six feet west or east? I'm trying to figure out west and east because, we are kind of like at the north. So, is the six feet because there's more room? If I look at this, I didn't see that we tried to see it. The house that's on the east side then is not us. That's 15 Elm.

Melissa Mischke: It looks to me the six feet is from the garage to the street.

David Streeter: So, if I understand that, I just wanted to make sure that 15 is the east side, correct. That's the side on the right that I'm looking at here. The way it looks, yes. So that's that's 10 feet on that side. So that lot that's already right there on the east side. And then six feet would be to the side that we're talking that we're currently building. Those would be the biggest things that I would deal with. I'm trying to ask; just make sure I understand that we're trying to get a variance and then when we went out there and looked. Did they stake it accordingly to where the house is going? Is that a question, he would have to answer?

Melissa Mischke: It would be a question you would direct to the board, that's fine.

David Streeter: That's why there's some stakes out there. We understood and we've been out there and had to deal with it and some stuff that I'm building currently now and the 45 helical Piers that I had to put into that foundation. My point is not as much as that, is that we're trying to make sure we understand what their variance and their views where we went looked and the biggest reason why you put that house there is for the lake. Would anybody know who is the lot and land behind? It's closest to the lake.

Melissa Mischke: So, you're here to give us your concerns on property not to ask questions.

We are going to have you come back up please. So, I have this conversation all the time that the I feel like we should have a different classification for the island and some of the other. Can I call it coastal areas, lake? I don't know. I feel like they need to be separated out from a zoning perspective because unfortunately I have seen many, many, many variances out on the island because that's what is on the island. People are building their dream home on the island. And no one wants to hear; I can't build this close to something. It's something I have struggled with almost 20 years on this board. I struggle very much because I'm inclined to say well that lot didn't change size since the time you purchased it. So, you should amend your building to fit our requirements. But also knowing that historically these variances have been approved.

Eric Pointon: And we literally just granted the neighbor's variance

Melissa Mischke: So, what kind of questions do we have?

Eric Pointon: I guess I am still kind of confused on the six feet to the water. This drawing to me looks like 15 1/2 would be the closest.

Peter Byrne: I can clarify all that. So, the first thing as regards to the side yards. So, one side yard, which is the west side yard is complying. That is going to be the 10 feet side yard. The side yard on the sorry I said that wrong because it's the east side is 10 feet and is complying. It'd be the west side that we're looking for four feet variance. You know, we're trying to reduce it from 10, reducing it to six.

Eric Pointon: And you're doing the offset to allow for a parking space to get more off the road.

Peter Byrne: So, we did try to address the parking concerns Southwest. I should add that we used to offer it on the east to make it.

Eric Pointon: As opposed to an 8 and 8, which would still be wrong, but it would. I see what you're saying.

Peter Byrne: We did try to address the parking concerns there. We know we have the 10 feet on one side which complies and then we did try to leave enough space in the front yard for parking.

I should add that you know we used to have a house that's probably 4 doors from there. So, we're very familiar with the island for years and you know a lot of homes that someone did allude to. The majority homes there do not. You know there's variances for pretty much all the homes that are, I mean none of the homes have a 25 foot, maybe some of them, but the majority of them do not have the 25-foot front yard set-back and then just to clarify, at no point are we going to be 6 feet from the lake.

Melissa Mischke: That's the 25.5 rear yard.

Peter Byrne: Set back or not, we're complying with the zoning requirement on the on the rear yard and also on the overall height on the zoning allowance for 35 feet and we're not going higher than that. We're just putting a two-story house.

You know, our main reason for the request is and I'm aware that the situation is that the lot is a lot of record and the lot has been there and the lot hasn't changed. I'm aware of that, but we're also trying to make a house that actually, you know, with a 50-foot-wide lot, having 20% on each side is, does make the house 30 feet wide. A house that's 30 feet wide, doesn't really give an architectural element of. I mean, it really just looks like a garage from the street. I think a house just looks a lot better, is more pleasing to the eye. If you have a garage, I know you also have a front door and a window up front rather than just a garage.

I mean, I've brought pictures of houses that are basically 30 feet wide that have an attached garage and they really don't look, you know the aesthetics on the house doesn't look right. It works a lot better to have those extra few feet up front, which gives you a 21-foot garage that gives you enough space up front to utilize the space. Otherwise, you're just trying to get a gangway down past the garage to the front of the house.

So, I think overall you know, addressing the neighborhood concerns that is that you want something that's going to fit into the neighborhood, you want something that you know that is pleasing to the eye does not is not going to be just a front-loading garage. And that's what we're trying to do.

Melissa Mischke: So, if we were to approve this petition again, I want to make sure you understand that stormwater runoff needs to stay on your property. So, with the amount of coverage of a structure, we're really not leaving a whole lot of room for absorption of water on the property. It is a requirement and if we were to approve it, you would have to work with our MS-4 staff, to make sure that all of that runoff stays on your property and doesn't go to the neighbor's property, just like the neighbor has to do the same thing for you, their construction, their water has to stay on their property and not come on to your property. Make sure that's something that you understand.

Peter Byrne: Is MS-4 engineering department of the county?

Melissa Mischke: It's a stormwater. Stormwater runoff.

Peter Byrne: We understand that we got to work with stormwater. Yeah, we're very familiar with building on properties that are this size or smaller.

Melissa Mischke: It's even more important on something this size.

Peter Bryne: Yeah, extremely important.

Melissa Mischke: Everything needs to stay on your property.

Peter Byrne: Yes, I mean that that's definitely a concern and it's something that we intend to address as it is going to be our house, we would, you know, obviously we don't want to increase any stormwater in the area and we definitely don't want to have and I don't believe we will. I mean, I think we can design the house and we can engineer the house accordingly, to not have any runoff onto the neighbor properties.

Eric Pointon: I make a motion we approve as presented with the exception that we say no short-term rentals for five years. Jeff Baltes seconded.

Melissa Mischke: I have a motion and a second. Petition approved and carried 4-1.

Mr. Polan, is there any additional business in front of the board this evening?

Michael Polan: No madam President.

