



LAPORTE COUNTY BOARD OF ZONING APPEALS

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Michael Polan
Building Commissioner

May 19th 2026

Dear Members:

The regular meeting of the LaPorte County Board of Zoning Appeals was held Tuesday, **May 19th, 2026, at 6:00 p.m.** in the Assembly Room of the County Complex:

MEMBERS PRESENT: Melissa Mischke Anthony Oss
 Eric Pointon Ernie Schmidt
 Jeff Baltes

Present: Attorney Andrew Voeltz; Michael Polan, Recording Secretary;
 Janet Cole, Administrative Specialist.

The Pledge of Allegiance:

Melissa Mischke: Thank you. I see we have kind of a big crowd. So, before I go any further, I just want to remind everybody if you have your cell phone with you to silence it. And that public comment for this board is in the form of remonstrance. So, you can speak in favor for a petition or against a petition. And that is the extent of public comment.

Petition #1 a Petition for Variance of Developmental Standards for Kenneth and Mary McAtee for continuation to reside in the mobile home at a property located at 7421 East Point Road, New Carlisle, Hudson Township, zoned R1B on .36 acres.

Attorney Voeltz: Notice is adequate.

Melissa Mischke: Good evening. If you would, state your name and address for the record, please.

Deborah Jurkowski at 7401 East Point Road, New Carlisle, Indiana, 46552.

Melissa Mischke: Okay. And are you a family member or daughter?

Deborah Jurkowski: Daughter.

Melissa Mischke: Okay. When was the last time we granted you a variance?

Deborah Jurkowski: Well, that was my fault. I screwed that up. Since 2010, when you guys first implemented this, I came every three years. And when I went up to see Janet, I said, I'm here for my three years. And she's like, it's been 4. So that was my fault. I've done it every three years prior to that, except for COVID when we did it online through the Zoom. But other than that, I've done it every three years and it was, my father passed away. And so that was totally my fault. I screwed that up.

Melissa Mischke: Okay, how is mom doing?

Deborah Jurkowski: Okay, she needs a lot of help. She's eighty-six, she's on oxygen, and meds and needs help with groceries and doctor's appointments, that type of stuff.

Melissa Mischke: Let's see if we have any remonstrators this evening for this petition. Is there anyone here for or against petition number one? Any remonstrators for petition #1? Last call, anybody in favor or against petition number one? Hearing and seeing none, are there questions from the board?

I will say, Deborah, you remember that at the end of the variance, there's no renting of the trailer.

Deborah Jurkowski: The trailer comes down and I have agreed to that. I just ask always has been that she's able to finish out her day. At the last meeting, it was both of them, but now her. And then yes, it will be removed immediately.

Eric Pointon: I make a motion to continue with this variance on the three-year time schedule, unless otherwise, you know.

Deborah Jurkowski: I won't screw it up this time.

Jeff Baltes: I'll second.

Attorney Voeltz: Madam President, I know that in the past was similar situations involving these types of petitions that the three-year period has been extended in some cases. So that is certainly something that could be considered potentially. In my own private practice, I know you had one, they said it on six years, I believe. So, this as a matter for this petition or moving forward. Thank you.

Melissa Mischke: Thank you. And before we vote, I believe that the board has given permission for the building commissioner to make some of these discretionary decisions as well. So, if we approve this, it could fall under that. Does that work?

So, I have a motion and a second to approve the variance for three years renewable.

All Approved. Motion carried 4 – 1.

Petition #2 is a Petition for Variance of Developmental Standards for Jay Jongkind for placement of 1 (one) shipping container, 8 (eight) feet by 40 (forty) feet to the rear of the home for personal storage. The property is located at 7985 North Holling Blvd, New Carlisle, Hudson Township, zoned R1B.

Attorney Voeltz: Notice is adequate.

Melissa Mischke: Thank you. Good evening. Would you state your name and address for the record?

Jay Jongkind, 7853 North Hickory Lane, New Carlisle.

Melissa Mischke: Okay, what is it that you need to store the storage container necessary?

Jay Jongkind: I just really am getting it to block the neighbor. And that way, any stuff outside can be secured. There was a shed there already that we're going to tear down.

Melissa Mischke: Are there any remonstrators this evening for petition #2? Is the neighbor here?

Jay Jongkind: I had another question too. If you grant variance, does it stay with the property or what?

Melissa Mischke: Stays with the property, if it gets approved.
Any remonstrators for petition #2? Anybody for or against? One last call, anybody for or against petition #2? Questions from the board.

There are no questions. I'll entertain a motion.

Tony Oss: This really doesn't have anything to do with anything on your property necessarily. It's you're looking for storage?

Jay Jongkind: It's a rental of mine. So, the renters will use it as like the shed.

Melissa Mishcke: There are no further questions, I'll entertain a motion.

Ernie Schmidt: I make a motion not to allow the storage container.

Jeff Baltes: Second

Melissa Mischke: So, I have a motion to not grant the variance and a second. Is that true?

All Approved. Motion to deny carried 5 to 0.

Melissa Mischke: I'm sorry. Have a good night.

Petition #3 is a Petition for Variance of Developmental Standards for Alan Shaw for placement of a 20 (twenty) feet by 8 (eight) feet shipping container on property for storage of farm equipment. Property is located at 3455 West, 400 North, LaPorte, Center Township zoned R1B on 5 (five) acres.

Attorney Voeltz; Notice is adequate.

Melissa Mischke: Thank you. Good evening. If you would, state your name and address for the record.

Alan Shaw, 3455 West 400 North, LaPorte

Melissa Mischke: Alan, you need to do some storage as well. So, storage container, what kind of items?

Alan Shaw: Farm equipment, tractor, Chipper, 2 mowers, and a variety of other gasoline and diesel equipment.

Melissa Mishcke: Do we have any remonstrators tonight for this petition? Anybody for or against petition #3. Any remonstrators for petition #3. Last call. Anybody for or against this petition? Questions from the board?

Jeff Baltes: I see the container is already present on the property. Do we not know about a variance for it or?

Alan Shaw: Well, what happened was... Have a long story, but I forgot to call the guy., I got the variance paperwork, but I forgot to call him and cancel it. And that's how it ended up there.

Melissa Mischke: If there are no further questions from the board, I'll entertain a motion.

Tony Oss: I will make a motion to deny the petition.

Ernie Schmidt: Second.

The motion was denied 3 – 2

Alan Shaw: Is there any kind of appeal?

Melissa Mischke: You can speak with the building commissioner at a later date. You can also reapply after a year.

Alan Shaw: Alright, thank you.

Petition #4 is a Petition of Variance with Developmental Standards for Ceil and Michael Tristano for construction of a home on 1 (one) acre parcel without road frontage and having legal egress ingress. The property is located at 735 East 600 North Galena Township zoned Ag on 1 (one) acre.

Attorney Voeltz; Notice is adequate.

Melissa Mischke: Thank you. If you guys would please state your name and addresses for the record and you might need to move the microphone around.

Ceil Tristano, 755 East 600 North, LaPorte, Indiana

Michael Tristano, 755 East 600 North LaPorte

Cheryl Rothwell: 535 East 600 North, hopefully soon to be 735 East 600 North.

Melissa Mischke: So, my question is, this was a very large parcel at one point, like four or five separated parcels.

Ceil Tristano: It has 26 acres in the conservation district.

Melissa Mischke: Then on the north side, there's some additional parcels

Ceil Tristano: And the parcels that are on the frontage road, there's one of ours that's at 535 East 600 North where my mother-in-law lives now. Then there's still part of the conservation district to the east of that. And then there's 601, which is a parcel that my daughter lives in now. And then everything behind that, I don't know how many feet it goes. So, we have 26 additional acres. In addition to that, and our home is 800 feet north of the frontage road as well, about 600 N.

Melissa Mischke: So the parcel that is existing, the one that we're talking about for the home, is 1 acre, and you have removed it from the forest.

Ceil Tristano: We have removed it from the forest. And we paid the back taxes on it. And we've done the ingress egress.

Melissa Mischke: So, is there any reason why you didn't split the parcel with enough, with any road frontage?

Ceil Tristano: Yes, because there is a house in front of my daughter's.

Melissa Mischke: Right, I see that, but there's still 26 acres, out of 26 acres.

Ceil Tristano: It's all north.

Melissa Mischke: Right, but out of 26 acres, you couldn't find anywhere along the road to put that one parcel.

Ceil Tristano: There was one spot, but all the utilities had previously been laid there.

Cheryl Rothwell: It's also only 148 feet wide.

Melissa Mischke: Well, 148 feet is way better than zero.

Ceil Tristano: We were told that we couldn't build there by the utility companies.

Melissa Mischke: Okay, well, let's see first if there are any remonstrators for this petition.

If you would like to have a seat, let's hear from some remonstrators. Sir, if you'd like to come up.

Brian Nelson, 767 East 600 North, La Porte, Indiana, 46350.

Melissa Mischke: Which direction are you from?

Brian Nelson: My property borders the east. My west side borders their east side. I just have concerns on the single driveway. I know there's already three houses on the property. I'm just wondering if it's becoming like a mini subdivision or, you know, more properties coming in, more houses, more. That's my concern.

Melissa Mischke: Okay, very good. Thank you. Are there any other remonstrators this evening for this? Are there any other remonstrators for this petition? Anyone in favor or against? Any remonstrators?

If you'd like to come back up. I know when I am looking at this, I am counting at least three residences.

Ceil Tristano: That would be correct.

Melissa Mischke: And then you guys all share one single driveway.

Ceil Tristano: No, that is not true. 601 East 600 North has the appropriate frontage. That is a separate property that was separate before we bought the rest of the acreage. It was owned by a Mr. Tibbs at the time. When Mr. Tibbs went into a nursing home, his family came to us and asked us if we wished to purchase it, which we did. My daughter then purchased it from us.

The property at 535 East 600 North, where my mother-in-law currently lives, also was previously out of the district before we purchased the property. And that was owned by a couple who got divorced. And during the divorce, we made an offer and they accepted it. So, we did not build any of those parcels they were previously there. This is the first one that we're asking for family. We have no intentions of subdividing and putting on more houses.

Melissa Mischke: The buildings that are in the middle of the property, basically, are they sharing a driveway?

Ceil Tristano: No, they each have their own driveways and frontages.

Melissa Mischke: I think we must be looking at different maps, and would you approach?

So, this is where you want to build.

Ceil Tristano: Correct. That's my home and my pole barn.

Melissa Mischke: Where is the driveway for that?

Ceil Tristano: It comes all the way this way and then it comes down. The only part she would be sharing would be the part from the southern tip of her, the southeast tip of that.

Melissa Mishcke: For this driveway?

Ceil Tristano: Here, right in front, it starts all the way over here, and then it comes around and it comes out over here.

Melissa Mischke: It crosses 2 parcels?

Ceil Tristano: No, I own all of this.

Melissa Mischke: That's what these orange lines are, parcel lines.

Ceil Tristano: Oh, no, it doesn't cross any. I'm sorry. This is the front of my house. It comes this way and then down that way. Yeah, on the east side of the property.

Melissa Mischke: So, the driveway is, so it's coming off of 600 North

Ceil Tristano: On the east side of my property and on the west side of Mr. Nelson's.

Melissa Mischke: So, this proposed home site would share that driveway with you?

Ceil Tristano: Yes, for that short period from the southeast corner.

Melissa Mishcke: What is the measurement of the road frontage there?

Ceil Tristano: At one point, we were told when I had it purchased it, it was 79 feet, I believe.

Melissa Mischke: What kind of questions does the board have?

Eric Pointon: I'm sorry, I was trying to figure out the driveway situation. What was the center buildings?

Ceil Tristano: That's my home and our pole barn. And we have not put up any residences on any of those properties on the frontage. Those were purchased after we purchased our property and built our home.

Tony Oss: My question would be, I see a dedicated easement shown on the survey you provided for ingress egress. Is there a maintenance agreement or some sort of

maintenance plan that's going to be filed with that? To make sure that we always know who's responsible for maintaining that drive?

Ceil Tristano: First of all, we'll always be responsible, but she has agreed to help.

Tony Oss: Just for the future, for public safety needs and someone needs to get back to a parcel.

Ceil Tristano: Absolutely. No, it will be maintained.

Melissa Mischke: Next questions? No further questions from the board, I will entertain a motion.

Jeff Baltes: I make a motion to approve the variance as presented.

Eric Pointon: Second

Motion approved and carried 4 – 1.

Melissa Mischke: Good luck to you. And I would recommend that you get the easement recorded.

Ceil Tristano: It already has been recorded.

Melissa Mishcke: Make sure you get it all and addresses displayed.

Petition #5 is a Petition for Variance of Developmental Standards for Travis Wallen for construction of a pole barn with a bathroom, (not to be used as a dwelling) for storage and to work on personal vehicles and to have a camper there while working on the property. There is no house on this property located.
East of 7863 North Maiden Lane, New Carlisle, Hudson Township, Zone R1B.

Attorney Voeltz: Notice is adequate.

Travis, are you here with us? So I don't see him. We're going to move him down to the end and deal with that at the end of the meeting.

Petition # 6 is a Variance of Developmental Standards for Randy and Mildred McCullough for construction of a second (2nd) home to care for elderly parents. The property is located at 2735 West 450 North LaPorte Center Township, Zoned Ag on four point seven three (4.73) acres.

Attorney Voeltz: Notice is adequate.

Melissa Mischke: Thank you. Good evening, if you would, state your name and address for the record.

Randy McCullough, 2735 West 450 North, La Porte.

Mildred McCullough, 2735 West 450 North, La Porte

Melissa Mischke: Randy, you and Mildred live at this property currently.

Randy McCullough: Yes.

Melissa Mischke: And you're going to build another structure for your elderly parents.

Mildred McCullough: No, for our daughter to take care for us.

Melissa Mischke: There you go. All right. Very good. And it looks like the house is going to propose to go on the east side of your property.

Randy McCullough: Yes.

Melissa Mischke: Okay. Do we have any remonstrators tonight for this petition? Anybody in favor or against petition number six? Any remonstrators, petition number six.

Let's see what kind of questions the board has.

Tony Oss: Do you have any idea of how large the second home would be?

Randy McCullough: Twenty-eight (28) by seventy (70) approximately. That might change just a little, but not much. 1800 square feet. Yep.

Melissa Mischke: If the board were to approve this petition, do you understand that when the home is no longer needed for yourselves, that it is not going to be allowed to be rented out?

Randy McCullough: We also have a classified forest. We hope that that can be maintained as well after we are no longer here.

Melissa Mischke: Okay, wish my kids were watching the meeting right now. Good luck. If there are no further questions from the board, I'll entertain a motion.

Jeff Baltes: I make a motion to approve the variance.

Ernie Schmidt: Second.

All Approved. Motion carried 5 – 0.

Melissa Mischke: Congratulations. Thank you. Work with the building commissioner's office for all your permits.

Mildred McCullough: So, when do we do that?

Melissa Mischke: You can call tomorrow after 8:00.

Petition #7 is a Petition for Variance of Use for Development Alliance LLC for operating a convenience store with a fuel canopy having four (4) pumps with eight (8) refueling stations. The property is located at 7089 West 400 North Michigan City, Coolspring Township, Zone B1 on one point four five (1.45) acres.

Attorney Voeltz: Notice is adequate.

Melissa Mischke: Thank you. All right, gentlemen, if you would state your name and addresses for the record, please.

Ross Brown with Integrated Construction Solutions, 11035 Broadway, Crown Point, Indiana.

Adam McAlpine with McAlpine Consulting. My address is 398 East 400 North in Valparaiso, Indiana.

Melissa Mischke: This has been a year since we've heard this petition. So why don't you tell me what your plans are here?

Ross Brown: So, we're here on behalf of the purchaser of Good Oil Company, Inc., as well as the Petitioner Development Alliance LLC, and this is regarding a request for a special exception on B1 zoning district to operate a convenience store with fuel sales. It is a one point four five (1.45) acre parcel with an existing four thousand seven hundred (4700) square foot vacant shell building at 7089 West 400 North, Michigan City. We anticipate the site to be a BP branded location with four pumps, which allows for 8 fueling positions. A little bit of background on the subject.

First of all, the property has been vacant for approximately 8 years, has a long list of date restrictions on it from the previous owner, which greatly limits the use.

Currently, the property is assessed at \$184,000 and generates about \$3,540 in property taxes, we anticipate that upon completion of the project, should you enter your approval, that the investment be around \$3 million and the new tax generated would fall somewhere around \$40,000 plus a year.

Now, given the location of the property, based on the characteristics of the intersection, and kind of how things have grown there over the years, it presents an excellent location for this use. And one thing that we did, was to obtain an impact study, environmental impact study which supports this use at this location and that it would fit in with the neighborhood.

And we understand that there was a prior application made, as you referenced, approximately a year ago. And one thing we like to do typically is we like to try to get in contact with neighbors ahead of time, talk to them, let them know what our plans are. A lot of people, don't like to see the convenience stores with gas stations come in there.

Melissa Mischke: How did that go?

Ross Brown: So, we sent out about 10 certified letters. The remonstrators that we read in the meeting minutes, two of them showed. I think two of them are in the audience tonight. One of them that showed up is not here.

As we talked to them and reviewed the meeting minutes, we noticed that a lot of reoccurring concerns come up, we hear from a lot of concerned citizens in the areas we work in. So, one of the things that we told them is we were going to do is this impact study that we presented to you tonight. Based on these concerns, that impact study from a third independent party addresses several topics. Land use and zoning, water resources and stormwater management, soils and groundwater protection, air quality, traffic and noise, solid and hazardous waste management. The conclusion in that document states, based on the analysis conducted and incorporation of the best management practices and regulatory compliance measures.

The proposed gas station development is not expected to result in significant adverse environmental impacts to the surrounding area. The project has been designed to protect soil, groundwater, air quality, and surrounding land uses while supporting local economic development.

And a few things that I would like to address in the impact study, correlates to some of the primary concerns that were brought up last year and during our meeting with a couple of our remonstrators.

There's concern about water well, which is a very valid concern for everybody.

Melissa Mischke: I'm sorry, you said water wells?

Ross Brown: Yes, private wells that people are drinking.

Melissa Mischke: I'm sorry, go ahead.

Ross Brown: My apologies. The recommended distance is 100 feet between a petroleum storage system and a water well. Closest well to this location, is about 200 feet, maybe more. One of the gentlemen that showed up to our meeting lives approximately 950 feet away. So, he should be very safe from the tanks at this site.

And also, there was some mention of obviously the tanks that go in the ground. And in 2016, the federal government mandated that these tanks need to be double walled, to create interstitial space. That interstitial space is monitored by an AGT system that can pick up as small as 3.2 cups per hour. So those leak detection systems are very accurate, and they have to be monitored monthly, reports have to be kept.

There were some other concerns, a paper that was referenced from Johns Hopkins University. And that document was theoretical. They created it in their offices, didn't use any real-world examples.

For instance, there was a concern brought up about gas spillage on the concrete. It penetrates about two (2) to three (3) inches in the concrete and it evaporates. If you were to take, a cup of gas, dump it on the ground, maybe it goes four (4) inches into the soil. So, you're not getting any groundwater contamination from things like that.

One of the other concerns that was brought up was lighting. That remonstrator is not here tonight and he had concerns. There's a development across from his house. I believe, that's the Swanson Center. And he gets a lot of light coming into his front yard. He's located about a thousand (1000) feet away as well. He's right next door to the other remonstrator. So, we told him we would get a photometric plan done to show that the light generated on our site stays on our site. And I believe that's part of your package, Adam.

We're also going to recess the lightings and the lights in the canopy. So, usually you see those lights hang down from a canopy and they kind of cast out. We're going to recess these so the light shines more straight down. And again, he's well on the other side of the volunteer fire station. So, it really should not be impacted by any lighting from this development. Probably has more impact from the lights from his neighbor's house.

Traffic was another concern. You know INDOT, their guidelines are that 75% of traffic generated from a convenience store gas station is from pass by traffic. Means it's traffic that's already there and they're stopping in to get gas, get a Coke, whatever it may be. I would probably argue in this instance, it's going to be much closer to 90 or 100%. People aren't going to drive from the other side of the county or the city to stop here and get over gas. They're driving by. They're not pulling off of a highway.

One of the things is that, you know, although this is a special exception in B1, the concept, from my understanding, in B1 is to serve a convenience and services for the local community. We would do that through the convenience store itself. And gas stations are actually considered a vital service in a community.

Melissa Mischke: Just so everyone knows, if there were no gas or petroleum in this petition, a convenience store is allowed in this zoning. So, it's not the convenience store that's the issue. It's concerned over the tanks.

Ross Brown: Understood. You know, other comments made about there is really no need for another gas station in this area. There are some other ones close by. You know, our client has done feasibility studies, which warrant the gas station. Otherwise, they wouldn't be making a \$3 million investment in the site. And I think that that's further supported by other local landowners and other local gas station operators contacting the owner of the property now. And over the last year, trying to purchase the property, put a gas station in so they can add another location to theirs.

I wouldn't be surprised if there's, you know, maybe a gas station remonstrator or owner or two here, I wouldn't want competition either. It's going to make me invest more in my property to keep up with the new gas station down the street.

Stormwater runoff was another concern, which comes up all the time, no matter what development you do. And there are rules and codes that any developer needs to follow. We will follow those to the T, and Adam can talk more about that as he's the expert. And with that, I'll hand it over to Mr. McAlpline.

Adam McAlpline: Thanks, Ross. Good evening. My role as a civil engineer is to work with my client to make sure that the project is feasible. And what I have presented to you this evening are 60% design plans. Until we find out the outcome of this

meeting, we were not intending to continue further with the design. But at this point, I just want to kind of gloss over some of the highlights of these plans.

As you may know, this was formerly the Coolspring Township Public Library. They have since moved across the street. And now we intend or hope to make this a convenience store and gas station. Sheet 2 just shows what the existing conditions are with the existing building on the west side. And the asphalt parking lot there in the middle, and there's the Volunteer Fire Department off to the west, the west neighbor.

Sheet 3 is just a demolition plan. This is what we would show a contractor, just detailing which trees would be removed, the pavement that would be removed, and really the area that's to the east is where they would be burying the tank, and that would be expanding for this fuel canopy.

Sheet 4 really gets into the site geometry and illustrates that it is possible to do a project of this nature on this property within setbacks, not violating any setbacks. So, what you see there is that box shape which represents the canopy, 4 pumps, 8 refueling stations, circulation traffic around the perimeter. That rectangle with the number two, that's where the buried gas tank would be located. And then over time, we would have to prove it out that this could handle the truck turn movements, but we've set it up at this stage to be able to with some confidence that it could.

And then the entrances, that are there today, would remain the same. Nothing is changing with how people used to access the former library. So, we're not proposing to change those uses. I feel they are a good safe distance away from the adjacent intersection. It has worked before and there are safe turning movements to and from those roadways.

Sheet 5, illustrates 2 things that I want to point out. One, is the existing well for this property. And what you see there is a 200-foot radius around that. So, for a commercial property, you have to make sure that there are no contaminants within that 200-foot well head. And so, the nearest wellhead is on this property and all sources of contamination are an adequate distance away from that drinking water supply.

On this property, we would be replacing the existing septic system. And that is a process that has to be routed and coordinated with the Indiana State Department of Health. The existing septic system that is there, besides being an old and aged system, is just not large enough for a building of this use. So, you have to go to the state and say, we're planning to build a gas station and convenience store. They would size, they would tell you what your daily flow is, and you would size a

leech field. But we have an adequate room, that's my point. And so that would be to the south.

And then the last two points, please. Sheet 6, is intended to illustrate how storm water would be managed on the property. So right now, there is an existing catch basin which goes into the center of the parking lot and then that's routed into a nearby storm sewer system. What we would propose to do and we would coordinate all of this through all of the proper procedures with LaPorte County, is to route all of that added runoff east and into a pond which would capture, hold, and allow that water to soak in to the ground. That is how, as you can see, the canopy is collecting pure runoff. Anything that is below the canopy, any sources of spills, there are spill kits at gas stations. It would not be in the direct line of runoff that would head off into, so that's important, and that's the case at several gas stations.

And then last item, is the site lighting and photometrics plan. The last sheet in your plan set illustrates, there's several, it's a grid with various numbers. And those numbers represent the brightness from the lights. So, when you look at a site lighting and photometrics plan, what you key in on besides just making sure that the patrons have adequate light, in the business itself to get safely into the convenience store. But on the perimeters, it goes down to zero. Those are the figures that the La Porte County officials will look at closely to make sure that there's no light casting on to neighbors. And with light poles today, have the ability to shine them into the site and keep that, keep those requirements in place. That's all I have, and I appreciate all your time.

Melissa Mischke: Thank you.

Do we have any remonstrators tonight? Anybody in favor or against this petition? All right. If you'd like to come up, please state your name and address for the record.

Edward Lake: 7241 West 400 North and I stand opposed to this zoning variance.

So last year on May 20th, we met about this issue and the board agreed with our concerns and unanimously rejected the zoning appeal. So, I just want to restate some of my concerns with this gas station. Number one, having a gas station at this site, proposes a serious health risk to the residents in this area. First, the gas station presents well-documented risks to our local water table. So, gas stations are a known source of petroleum contamination due to leaks from underground storage tanks, piping failures, and fuel spills. Even with modern safeguards, such incidents continue to occur and are frequent enough to warrant an entire program tracked by the Indiana Department of Environmental Management, under its leaking underground storage tank program. So, these are not rare and the theoretical events, they are reoccurring environmental issues across the state, including in LaPorte County.

The surrounding area includes homes that rely on well water. Unlike municipal systems, private wells do not have centralized monitoring or treatment protections, and it only takes a small amount of gasoline contamination to render well water unsafe.

This is especially harmful in the areas with shallow water tables and in sandy soil, both of which we have at this location. Once contamination occurs, it can persist for years, placing the burden of testing, mitigation, and cost on homeowners. Also, once groundwater becomes contaminated, cleanup is extremely difficult, expensive, and sometimes impossible to reverse.

Number 2, I've also noted previously that the location of this gas station will certainly increase accidents. So, vehicles turning W 100 to 400 N are going to have crashes with cars exiting the gas station. People turn there, very quickly and the exiting it's likely to cause some serious issues. This will also cause increased congestion and presents a hindrance to the fire station in the adjacent property, which needs to have clear access to roads in case of emergencies. Delays caused by congestion near fire stations could put lives at risk.

And #3, when considering zoning appeals, one of the considerations is whether this establishment will benefit the community. And it doesn't seem that this gas station is needed. There is a Marathon gas station less than 0.7 miles away on the same road, and a Family Express 1.3 miles from that.

So, in conclusion, this is not a minimal or technical variance. It poses serious environmental health and safety hazards to the community. And these zoning decisions should prioritize the protection of existing residents and not expose the community to preventable environmental and safety risks. Now, once again, I thank the board for this time.

Melissa Mischke: Thank you. If you'd like to come forward. Please state your name and address for the record.

My name is Rick Bradford. I live on 3647 North Wozniak Road. I own property that is adjacent to the fire department. Thank you for letting us speak here. Mr. Lake brought up the water. The water table is very shallow there. Not only does the fire department but my property next to that, and the property next to that, are all artesian wells. So that is a certain concern.

I also agree that I don't see that as being positive for our neighborhood. I haven't heard anybody say, boy, we sure need another store to buy some gas and some cigarettes and a six-pack, you know, right here in our neighborhood.

I didn't have the time or money to do an impact or feasibility study. I was a remonstrator last time. I was not contacted. I'm sure that was just an oversight. I would have shown had I known that they wanted to talk. But concerning being a good neighbor. In my neighborhood, a good neighbor doesn't have hundreds of cars coming and going all day and night.

We didn't discuss the hours. And there are a lot of businesses in the area. All of them have nine to five hours. I'm sure the convenience store gas station would need to be open a lot longer than that.

The existing library parking ingress and egress is very narrow. I would hope that anybody that is concerned would go by there and just drive into it and say, how would I get in or out of here? If the curbing is not going to be changed, I think that one of our gentlemen that spoke ahead said he thinks maybe they can get a truck in there. They're going to plan on getting a truck in there to put fuel. Also said that there would be a runoff place to hold runoff to the east.

I think they also said that the tanks were going to be to the east. So, I'm not sure exactly how all of that is going to work out. My main concern is, on top of those, is the safety. If anybody has driven by there, I was there today, I'm there every day. There were eight cars backed up past from the light to the north or west, it would be on Johnson Road, without people wanting to stop and get into that parking lot or try to get out of that parking lot. The fire department has traffic now, people avoiding the stop sign cutting through. Thank you. I'll make it short. No joke. Anyway, trying to get in and out of there and avoid the light as it is. That would greatly impact us getting trucks in and out of the fire department. I see my time is up. Thank you.

Melissa Mischke: Thank you. I let him go a little bit longer because I failed to remind everybody that we have a three-minute limit on remonstrance. So, if you have any remonstrance, I'd like you to come forward, please. And of course, I'd like to hear something. Yes, ma'am, I'm talking to you. Anything new? Then, that has not been already stated. Your name and address for the record.

My name is Kathy White and I'm from 7298 Johnson Road. My concern is at the volunteer fire department. They have the baby box and all the businesses around, like Rick said, are 9 to 5 businesses. And if there's a gas station or convenience store there, that's going to be lights, there's going to be people, and that defeats the purpose of having somebody drop off a baby. And I know they have had a couple of them so far and have had great success. And my concern is having a business there that's open.

Melissa Mischke: Anybody else, would you like to come forward, please?

Rory Bunce, 374 North Timber Ridge Road in LaPorte.

Melissa Mischke: Rory, can I get you to pull up the microphone.

Rory Bunce: I'm actually the owner. I own Development Alliance. I purchased the property and the property was actually vacant, as they said, since 2017.

I purchased the property, tried to improve the property, and tried to resell the property. We did approach a year ago. It's very interesting that when you sign a petition, when you want a variance, the owner has to sign. Quite frankly, I'm not putting the gas station in. I wasn't the last one. The last one we had, quite frankly, was a shoestring operation. And I regret that we came because they did nothing. I heard exactly what the board said and the remonstrators. And what happened was we had four other gas stations approach us for the same location. This was the first person that took a responsive approach to what they were doing and wanted to do the studies and wanted to answer all the concerns. And so, we went under contract to do that.

A couple of the topics that were brought up. I really appreciate the fact that she brought up the baby box. The fire department did come to us and they had no idea what we were doing. They asked that if we would be conscious of it. We offered to put trees on their side of the fence to block that from our property. We said that we would work with them, whether it was the gas station or it wasn't, we were sensitive to the issue.

The other thing that I think needs to be brought up is that this is a commercial, it's designated as commercial. So, when you start to talk about traffic patterns and how late something is going to be open and what it's going to do, a lot of those concerns are going to be transferred to whatever the business is. If it's a business, it's going to have traffic.

The other thing that's interesting is last month, this body approved another two or three parcels to be commercial across the street.

Melissa Mischke: You would be incorrect. That is not this board's job. The zoning changes are through our Planning Commission.

Rory Bunce: Okay. Well, it was, but I appreciate you correcting me, but it was approved for them to take two homes and two additional lots and change it to a commercial designation. So, commercials heading in that direction and it's just the reality of it. So, I appreciate your time. Thank you.

Melissa Mischke: Thank you. Okay. Do we have any other remonstrators after this one? I'd like to see a show of hands. Looks like you're going to be the last one. Would you state your name and address for the record, please?

My name is Donna Hagenow, I live at 6183 West 400 North, LaPorte, Indiana. I have lived out there most of my life, more than 50 years. I disagree with them on what they are saying about the traffic flow. I have seen it over the years get worse and worse and worse. Something right there, it's even going to be more traffic, more accidents. Kids getting to school, school buses, fire department. You know, and me being of up in age, if I need the fire department and they're blocked in, what? I have taken it by myself to make a petition. I have more than 100 signatures in the neighborhood that do not want it. I was never approached, but I live on 400. I have seen all the businesses grow, that is there.

Melissa Mischke: Thank you. I just want to mention to everybody who thinks that they didn't get notified and it was nefarious, adjoining property owners are one who gets notified for a zoning hearing. If your property does not touch that property, that's why you didn't get a notification. That is all the remonstrators this evening, what kind of questions do we have from the board?

Eric Pointon: Yeah, if you'd like to come back, they touched on hours. I have hours wrote down as well. I know we talked about that last year. What was your guys' projected hours?

Ross Brown: We expect 5 a.m. to 10 p.m. to catch people going to work and maybe coming home from work, and then we would close.

Melissa Mischke: And that's Monday through Sunday, or sorry, Sunday through Saturday. We have seven days a week.

And that lighting is going to be, again, pointing down so we don't have light pollution all over the place.

Ross Brown: Yes, ma'am. And I think the flow metric plans are kind of hard to read, especially when they're like 11 by 17. I believe you'll be able to see it demonstrates that we're at zero at the property line. We certainly don't want to interfere with the baby box. So that light is not going off the property. We would be happy to add some additional landscaping or whatever we may need.

Melissa Mischke: I think the landscaping would be nice. And I believe that given the nature of the baby box, I know I can't tell you not to have CCTV in that direction, but I think it's something that you sort of should consider placement if we approve it.

Adam McAlpine: Yeah, that seems like a very worthwhile thing to do. I can't separate the site design from the refueling canopy because they overlap. But what's really wonderful about this property is the mature tree canopy. We did everything we could when I sent out our horticulturist, he did a tree assessment. There are a lot of dead trees, and those are being taken out. And there are some that are less quality, were in the way. But around the well at the kind of the northern end, there's a lot of mature trees which were being left intact. And so, as you look at the sheet 3 demo plan, there are really only three trees being taken out. So besides all of the light shining east for the refueling stations, I mean, with the exception of maybe a new gas or what might be illuminated, there's no light. And that would just certainly not make it beyond those mature tree canopy, but I just wanted to share that. Thank you.

Eric Pointon: I guess I have one more question on light. Is there going to be an obnoxious sign up by the road that has a bunch of light pollution on it? Big LED sign with price of fuel and stuff.

Ross Brown: Sure. There will be signage. We would propose signage, but you know, we will let you know.

Melissa Mischke: We would like to know what kind of signage you're proposing. We'll need to know that tonight.

Ross Brown to Adam McAlpine: Do you want to keep that information?

Adam McAlpine: Right now, there is the former sign. I would imagine that the business sign would do in there. It would be a mounted sign in all likelihood conforming to the county's requirements. But at this stage of design, I don't have that information.

Ross Brown: It'd be a monument sign. It would be it would be likely towards the corner and away from the residential for the most part. It'll be on the commercial side and it would not be on all night.

Melissa Mischke: So, if we were to approve this, we would approve a sign at the time of this petition, you would have to come back in front of us for a sign and you're aware of that. Should it get approved?

Ross Brown: I was unaware of that.

Adam McAlpline: But I will say that like the refueling canopy is paramount to the project. Having that is kind of a go no go. What we will do moving forward is do everything we can to conform with the county standards and where we deviate. We'll be back in front of you, we don't get a sign exactly how we wish, the project's still moving forward.

Ross Brown: We would do something, subject to, I don't know what the council may say, or but we can certainly have something designed and when, approve something subject to approval related to signage.

Mike Polan: We do have guidelines in the JZO that we could have them follow.

Ross Brown: And we would follow whatever guidance is necessary. One thing I'd like to say is, it might have been a second to last remonstrator gentleman that said he didn't get a notice. I do apologize. We sent the notice, I believe his rental is there. That's where the certified letter went to, not to the deeded owner's house.

Melissa Mischke: Okay, other questions?

Ernie Schmidt: So, you have an existing drain? Where does that water go when this project transpires?

Adam McAlpline: The existing drain goes south and to a storm sewer system, which is along 400. That's where it goes.

Jeff Baltes: And you're going to continue to have that drain there, even in the new project?

Adam McAlpline: Yes, we'll have to work that out. Right now, it is there and it seems reasonable that it was working before. So long as the system works, we would continue to use that. The plan, at least in my mind for the time being, is that any of the new improvements would be directly into the retention pond. So, when you manage storm water, you look at what's existing and then what's new. And depending on the municipality, many times you only have to manage what the new hard surface that you're creating.

Melissa Mischke: Right. So, we're going to require all of the storm water to be managed, but it isn't like you're including a lot more surface area for impervious surfaces. You're just talking about the runoff from the canopy itself.

Adam McAlpline: Right. But that, I mean, this is 60% design. If you came to me and said it all needs to be managed, well, then that's how I would.

Melissa Mischke: And again, that's going to go through the county MS4 coordinator. We're not going to and give you guidance on something that isn't our responsibility.

Adam McAlpline: Yes, all I wanted to show you this evening is that where we intend to manage stormwater runoff is to the east as of today.

Ross Brown: And we are kind of maybe touch on the ingress egress.

Adam McAlpline: Yes, right now the tapers that are there as you enter and exit will be widen. We'll look at those radii more closely to make sure that there's sufficient turning radius for the for the vehicles coming in and out, and you have to do that for the refueling trucks.

Ernie Schmidt: Where does the gas leakage run off into? Where do you propose that that goes with this plan?

Adam McAlpline: Can you repeat your question, please?

Ernie Schmidt: If there's gas spillage, where does that go in relation to what you have planned? To go into this existing drain, is it going to go retention pond? Yes, so if retention pump, what's your plan?

Adam McAlpline: If there's leaks from the pump, it would depend on the quantity. There are a number of things at a gas station, you could shut off the source. There could be a spill kit. It could be around the immediate vicinity of the pump itself, just not to explain all the details, but it would be in the near vicinity of the source.

If it was an uncontrolled release, then that would be directed to the east and into the retention pond. Over a certain volume of release, you're required to contact the State Department of Environmental Management and the fire department, which is right next door, would come out with their equipment to manage that type of situation. Then again, depending on the type of situation, the soil would be remediated, disposed of properly. There are a number of protocols that are followed when a spill occurs. It's not, just forget that it occurred. With today's laws, you have to manage whatever has happened.

Tony Oss: You mentioned deed restrictions. Can you just outline a little bit what the difficulties are through deed restrictions that are on the property?

Ross Brown: The property owner could probably look at as much as they could do with the property.

Rory Bunce: Yes, the hospital was the owner before, and they actually have a non-compete for services. It's approximately 38 pages and it's for 100 years that it cannot be. Now, we had to work on the language a little bit because I reminded them when I bought it that they have a gift shop. Does that mean I can't do you know, a gift shop? They sell food, could we not do food? So, we had to tweak it, but it really comes down to medical. And they even have to sign off if I do services that they don't do. So, chiropractic, dentistry.

Melissa Mischke: So, things like you can't sell condoms in the convenience store. Does it come down? You're working with them on those restrictions.

Rory Bunce: There's actually a written 38-page deed restriction for 100 years, but it's basically non-medical.

Melissa Mischke: OK. So, you feel like you can meet the requirements.

Rory Bunce: It's depended on the end use. I mean, yes, it's not a problem at all. And they've already given me a waiver to say we're in no problem with that.

Tony Oss: I mean, the other one's kind of procedural. Other things going on at another board, there was mentioned before in the initial presentation about this being a Special Exception. This is not a Special Exception. This is a Use variance. Correct? A Special Exception could happen if you were zoned differently, but you're not. Any reason that process is not something that you would entertain?

Rory Bunch: Again, I repeat the fact that I'm the landowner, and we have to put our name on the petition. I get it. But we're really, in a sense, not the petitioner, because we're not the end use. So, I would sign no matter who was going for a variance. If they were going for a parking variance, I'd have to sign. Thank you.

Melissa Mischke: We've already had our time for remonstrance, Rick, I'm sorry. So, if there are no further questions from the board.

I guess I understand why we're not at 100% design. I wish I had something a little bit more concrete on the signage and some things of that nature. But I think I'm ready to entertain a motion.

Don't everybody jump up.

Tony Oss: Just one question of the counsel first. It's the site. So, if something is denied, it's one year for the site or I'm just. . . do you understand what I am getting at?

Attorney Voeltz: It said, so for example, the previous variant or the previous petition was for 7089 West 400 North. So, it runs with the property. So, the petition is for the property, meaning that property address. If this were any, and again, I don't like to get into hypotheticals, it runs with the address. So even if the property, I mean, in theory, if the property were to change owners, it would be my position that it runs with the address, because that avoids them the issue of transferring ownership between individuals or between entities if something is denied. Then you get another bite at the apple with somebody whose name is just different. But it would be my position that it runs with the address.

Tony Oss: Thank you.

Eric Pointon: But again, it could be a convenience store.

Melissa Mishcke: I mean, yes, it absolutely could be a convenience store without fuel. I hate to see this building sit another, how many years it's been empty. I mean, it's kind of a travesty that this building has been sitting there empty with no use, and it's just going to deteriorate more and more. And that nobody cares about that in the neighborhood, that there could be vector issues and things like that from non-use. So something to consider. But again, I'll entertain a motion.

Are you guys going to make me step down?

Eric Pointon: I make a motion to approve, with the hours of 5 a.m. to 10 p.m. seven days a week. You would need to work very closely with Mike's office, especially regarding the sign and all those things, work with MS4, obviously, for everything needed.

Melissa Mishcke: We have a motion. Do I have a second?

Jeff Baltes: I'll second.

Melissa Mishcke: Okay, I have a motion and a second. All those in favor of approval, say aye. Those opposed, same sign. Your motion carried three to two. Good luck and we need to see some additional plans in the building commissioner's office. Thank you.

This motion was approved 3 – 2.

Petition #8 is a Petition for Variance of Developmental Standards for Gene R. Samuelson Trust for splitting a property into two parcels. The new property line is 10 feet in front of the barn. The front parcel with home will be 0.55 acres and the rear will be 1.72 acres with no road frontage. Property is located at 1202 East State Road 2, La Porte, Kankakee Township, zoned R1B on 2.261 acres.

Attorney Voeltz: Notice is adequate.

Melissa Mishcke: Thank you. Good evening.

Good evening. I'm Douglas Samuelson. I live at 6362 East Road 2. I am the trustee to the trust. My father has since passed away.

Melissa Mishcke: Can you tell me what the plans are, what the need is to split the parcel up?

Doug Samuelson: Basically, the house in the front garage, my nephew is interested in keeping a Samuelson name there and staying there.

Melissa Mishcke: Can I stop you just for a moment? Sorry, go ahead.

Doug Samuelson: That's fine. The back part of the property which has two barns on it. I helped build one of them. I have a lot of pride in that. I want to keep the property. I have two old cars that I have collected, a 60 Vet, and I just want to have a place to have it because I'm going to downsize from my current address down the road, which has a very small lot. My nephew is really not interested in cutting all that grass, and I just want to get a variance so I can get an easement through the front driveway to get to the back property or work my garden and cut the grass. There's no plans in building anything. It's just going to stay in our family forever.

Melissa Mishcke: So who lives there?

Doug Samuelson: Currently, my nephew, Andy Samuelson, he stays in the house.

Melissa Mishcke: And this is in a trust, the entire property?

Doug Samuelson: Yes.

Melissa Mishcke: And currently does the driveway go all the way to the rear?

Doug Samuelson: Yes.

Melissa Mishcke: OK. I have to say, I'm kind of a little concerned from a safety standpoint. If you're going to work on old cars and things on the back.

Doug Samuelson: I'm not going to work on them.

Melissa Mishcke: It's just to place them just to store them and look at them and wipe them down with a diaper.

Doug Samuelson: Yeah, I'm not going to have a repair facility or anything like that. You know, it's just to keep the property in the family and, you know, no issues as far as that goes.

Melissa Mishcke: He's not okay with you just going and using the property?

Doug Samuelson: I look at when I pass away, if it could ever change where my kids and Andy do not see eye to eye, I would suddenly have the ability to go back there and still keep the cars. But Andy has no intentions of wanting to cut all the property and take away the property. I currently have cut the grass for 30 years. So I will continue to do that.

Melissa Mishcke: Do we have any remonstrators tonight for this petition? Anybody for or against it? Any remonstrators? And last check, any remonstrators for or against?

Questions from the board?

So have you had a survey done of this at all?

Doug Samuelson: I talked to John Saylor about what it would take to do it. And he told me to start with this and then he would come out and, you know, I guess it's a process and I know I've just basically started the process. This is what I was trying to do.

Melissa Mishcke: And so, you want to use the same driveway, continue to use that same one? I feel like, the issue is going to be, once you split that off, we're going to need to know the road frontage as well.

Tony Oss: Should be 0, right?

Melissa Mishcke Well, it depends on how it depends on how the survey works out.

Doug Samuelson: So, it's not like there's going to be a lot of traffic.

Melissa Mishcke: I think Andrew is going to tell me no. I think we can make a vote on it. If it turns into an easement issue, and John Saylor is very familiar with us, that we need to have that easement recorded.

Doug Samuelson: Oh, I realize it.

Melissa Mishcke: And likely you will get a new address should we approve this. I want to make sure that; you are aware that you should absolutely post that address clearly visible. If we should do that.

No questions.

Tony Oss: I think that to bring back what we did before, that easement needs to have a long-term maintenance agreement.

Melissa Mishcke: That is a good idea.

Tony Oss: Yeah. I'm sure that it's got a well-defined maintenance agreement for who's going to be responsible should anything happen in the future and maintain.

Doug Samuelson: I understood it from John, whoever it is, that easement property belongs to, but there'll be no problem. We'll come up with agreement to.

Melissa Mishcke: I think it's wise. I've seen, I've been on the board a long time and you'd be surprised what happens when a family member passes away and all of a sudden something's up for, you know, dibs. It's insane.

Doug Samuelson: Totally understand it.

Melissa Mishcke: Okay. Very good. Thank you, Tony.

Anything else? There's nothing further from the board.

I will entertain a motion.

Yes. Mike, do you feel comfortable with reviewing the easement as recorded, things of that nature once you get the survey? Very good.

I will entertain a motion.

Ernie Schmidt: I'll make a motion that we accept this variance.

Melissa Mishcke: I have a motion to approve the variance.

Eric Pointon: Second.

The motion was approved 4 – 1.

Petition #9 is a Petition for Variance of Use for Brent and Corey King to remodel of a roughly 2,500 square foot home into a multifamily unit. This property is located at 6472 West Highway 30, Wanatah, IN Cass Township, Zone B3 on one acre and it will consist of three apartments.

Melissa Mischke: Good evening.

Attorney Voeltz: Notice is adequate.

Melissa Mischke: Great, thank you. If you would please state your name and address for the record.

Brett King, 12884 South 600 West, Hanna.

Melissa Mischke: All right, Brent, and I apologize for keeping you guys so long. I drive past this property almost daily. It's a very odd-looking structure.

Brett King: It is.

Melissa Mishcke: So, and I looked at your plans. I don't quite understand the basement situation. So, are you're going to do 2 apartments on the short side?

Brett King: Yeah. It's my understanding. I talked to the neighbor, Leonard Petrone. He's been there forever. The county really doesn't have a record much. So, it's my understanding there's one house that was built. And then a guy added that back part on the three-story structure with the basement. So, the first structure, first unit, the original house, I'll call it, would have the upstairs and the basement. And then the second one would have the main floor and the basement. So, each is about 1100 square feet. And then the third unit would be the second floor and the third floor, which are both wide open. So that's almost 1200 square feet, now 1100 square feet. It is ugly.

Melissa Mischke: Oh, it's definitely not good looking.

Brett King: So, we bought it for a long-term rental. There's no desire to get rid of it. We would fix it. We live a mile away, so it's perfect. The foreseeable future, I would think 15, 20 years, I'll be told and tired and maybe then it would go away.

Melissa Mischke: Just for everybody's edification, I live around the corner from the Kings and I've known Mrs. King since elementary school. Just stating that. Yes, this really is an ugly building. Okay, so do we have any remonstrators tonight for or against this petition? All right. If you'll have a seat, we'll see what they have to say. Don't go too far. If you guys want to come up and you can come up and stand next to each other if you'd like so we can. Yeah, if you guys want to come on up.

Would you state your name and address for the record?

Kyle Otte: My name is Kyle Otte. I live at 6442 West US Highway 30. This would be the property to the east of this structure. Our concerns are, I mean a well for instance, these are all, I mean, the single-family dwelling, so it's like, three unknown sized families all pulling. We don't have any issues now, but are we going to have issues if we do have issues? I know, you know, they're not going to pay for me to drill another well. Septic is another thing. Everything works great, but it works as it is. It worked. I mean, that was a family of no more than say three or four living there at any given time. So, it worked in its current capacity, but the biggest concern I have is, you know, are we going to have issues down the road? It's not something that's going to present itself right away. Right away. You know, and then the comings and goings of, you know, three, it really doesn't match the area, I guess, is what I'm, you know, it's like, yeah, a single-family home and a single-family home. You know, so that's very, it's not in town, I guess what I'm trying to say.

So, that is it, and this is my wife, she lives with me, obviously, you know, but that's our vested concerns. So, all right. Thank you.

Melissa Mischke: Thank you. Hi there. State your name and address for the record? Good evening.

Anthony Dellumo: My name is Anthony Dellumo. We're at 6502 West US Highway 30. This is my wife, Kelli, and my daughter, Jacqueline. We live immediately to the west. We share a direct property line with that property. We've been there for 15 years. I've been in and around that, in the house, around the property many times, knowing the neighbors. The house is actually just a few feet from my property line. And our yard is kind of almost shared with the back lot there.

We are just kind of concerned about...that many people, three families, like maybe 7 to say 15 people live in that place. It is an interesting building. There's no windows on the backside of the house. If you've ever never seen the back, it's very strange. It goes up three floors with zero windows, which is very interesting. I know it seems like it would be quite a lot of work to get 3 units in there. So we kind of are also concerned with the amount of equipment construction very close to our property

line, where my daughter plays in the yard and stuff like that with having that many neighbors. You know how rent rentals go, a lot of different people in and out, you know, how long they're going to be there, different families, a variable amount of, you know, personalities and characters right next to the Marathon gas station, truck stop, all these things. I'm just concerned for us as a family; it's kind of quiet over there.

Melissa Mischke: Have you seen their plans?

Anthony Dellumo: I have not seen the plans.

Melissa Mischke: It looks like 2-bedroom units, all three of them. Is that two-bedroom units? So.

Anthony Dellumo: And there's been a lot of like, I know it's been water remediation there and a lot of water seepage and things that seem like it would be also a concern, especially with the septic in the well and the way that that's I know they've had issues there with that before, but we just kind of learned about this on Saturday. The certified letter has been stuck at the post office. I just read it until so I don't have as many notes and things as I'd like to come to this, but I don't know if my wife had any comments. Thank you.

Melissa Mischke: Just state your name again.

Kelli Dellumo: My name is Kelli Dellumo at 6502 West US Highway 30. We currently live in the house to the west of this location for the variance. We have lived at this location for 15 years. I inherited the house from my family that has been at that location since, I'd say, almost the 50s. We have just kind of grown to the Martin family to grown to love the uniqueness of the home next door. The prior neighbors were very friendly. We've never had any problems or conflict. It was just a surprise to us when the building went up for sale. We have just been sitting in limbo right now, wondering what is going to happen. And then we just learned that it was wanting to turn into an apartment building. I can understand it being a rental for a single-family home, but for many families, there's not adequate parking. We are worried that there's not a visible division of property line, as in like there's no property fence. So how are these tenants going to know where the property line is? Are they going to come into our yard? My daughter plays outside and they're going to be strangers that we just don't know. We would really like it to stay single family. That's our wish. Thank you.

Melissa Mischke: Thank you. All right, any other remonstrators? Anybody else for or against this petition? All right, Mr. King, if you'll come back up. I have questions about parking as well. I don't know, and I'm asking this not because there's an issue

with septic or wells. We don't, as a board, we do not have a say on your well or septic that is through our building department and our health department. They'll be the ones that address those issues. But if looking at the property, if they are to the rear of the home, is your septic field to the rear?

Brett King: So, I looked, I'm actually an excavating contractor, excavating septic forever. First thing I did was I couldn't find a septic system. I had no idea what's out there. I had soil borings done. I had a septic spec for a six-bedroom house. I think it's listed as a five bedroom. So, I made it for six. There's plenty of room to put it between the building and the house. I tried to make a note here. The entire house needs to get redone. The electric is bad. He had mentioned the windows. We would add, all the windows have to be replaced. There was water damage. The roof has been since replaced. The mold remediation inside, we didn't see anything.

We would hate to look at a truck stop all day. So, we thought we would plant massive pine trees on the west and a chain link fence on the opposite side as well. We don't want them driving in someone else's yard. There would be two car parking places in the front of the house, and then there would be 4 around the back. There is a pole barn, about, I'm going to guess it's 30 by 40 on there as well. That, I guess, I don't know if it matters, that would probably be somebody's parking.

Melissa Mishcke: What kind of questions from the board?

Brett King: The well will have to be replaced too.

Melissa Mishcke: Sure. And again, that's going to be something that if you get approved, we'll go through the building department and the health department here. So, there's a few more hurdles to jump through.

Eric Pointon: My biggest concern as well was parking, you hit that.

Brett King: I guess my other question, option two was, I mean, we just see either way, it's got to be fixed up. Again, our long-term goal was we have a rental property. Option two, we still have to fix it up, and it's still a five, 6-bedroom house. A single-family home, it doesn't matter, those six bedrooms is fine. I mean, there's no limit to a bedroom if it's already listed as a five or six bedroom.

Melissa Mishcke: We don't have jurisdiction over how you advertise it. So, I guess I need to say this. I know that in the Cass Township area, there's a lot of people looking for somewhere to rent that maybe isn't in town. Just because they, I'm not saying this is a quiet area, because let's be honest, you're next door to a truck stop and a junk yard, so, but I do know that rentals are desirable in that area.

So what kind of questions do you have?

Tony Oss: This is B3 zone right now, correct? So, as it sits, it's a non-conforming use as it is single family residence. We couldn't build a brand-new single-family residence without a variance.

Michael Polan: It is legal, non-conforming.

Melissa Mishcke: Anything else?

Eric Pointon: How is the basement?

Brett King: Basement, there's a little water.

Eric Pointon: No, not condition wise, like is their access to the basement from the outside?

Brett King: Yes, the front of the house, there's stairs going down. The back of the house, you would access from inside. If we did this, we would put only the water heaters and things like that in the basement. There would be retaining wall, 2 doors going in, and then egress windows as well as doors to both to both sides of the basement.

Eric Pointon: And if you did the second story, would you do outside access with staircase outside? Is there would be an outside staircase?

Brett King: Yes, there would be an outside staircase. The access to the second unit, which would be the 2nd floor and the third floor, that would be a staircase, otherwise they come straight in. Everyone has their own.

Melissa Mischke: So I think it goes without saying if we approve this petition, you know, maybe talk to the neighbors and I don't, I mean, you have a large family, I don't know that you're going to try to rent to large families or single people that, I think you're going to be responsible landlords, and just maybe talk with the neighbors and make sure, you know, should it get approved that you work with them a little bit, if that's possible.

If there are no further questions, I'll entertain a motion.

Eric Pointon: Variance goes with the owner, correct?

Melissa Mischke: It goes with the property.

Eric Pointon: So, if he wants to sell it, it would stay this.

Melissa Mischke: It could, yes.

Michael Polan: As long as it goes 12 months uninterrupted use.

Eric Pointon: I'm not thinking you're going to sell, I'm just thinking, and in the future, you know, I guess.

Melissa Mischke: I prefer not to step down to make a motion on it.

Tony Oss: Make a motion to approve the use variance for up to three units, multi-family for the existing structure.

Jeff Baltes: I'll second.

Melissa Mischke: I have a motion and a second to approve. Good luck. Make sure you work with the building commissioner and talk with your neighbors.

The motion was approved 4 -1.

Petition number 10 is a Petition for Variance of Developmental Standards for Michigan City Black Bull LLC to keep up to six shipping containers for storage. The property is located at 10507 East Highway 12, Michigan City, Springfield Township Zone B2 on 1.1861 acres.

Attorney Voeltz: Notice is adequate.

Melissa Mischke: Great, thank you. Would you state your name and address for the record, please?

My name is Carter Madigan, 817 North Ridgeway, Chicago, Illinois.

Melissa Mischke: So, you sell fireworks at this location? And clearly no one lives on site. So how many days usually are you guys open?

Carter Madigan: So, we start you May 1st through like July 15th on site every day. And then like the week, the weekend before Labor Day till Labor Day and then the weekend before New Year's until New Year's, essentially, is when we're open on site.

Melissa Mischke: And 6 storage unit, storage containers.

Carter Madigan: That's worst case. That was just the max, so. Yeah. So, at the beginning of last year, we had a warehouse in East Chicago that was sold. Upon that sale, those shipping containers were there. They were moved up. Unbeknownst to us, we didn't realize there was a limit on that. We were notified and I've been in touch with them and working with the board and the department on that. That said, the plan is after this year, because again, there were so many due to the overflow, like what was left in the warehouse, we just compacted into there. And then after this year, the hope is to get rid of two of them and then continue to downsize and just use them for storage during the season.

Melissa Mishcke: Well, let's see if we have any remonstrators tonight. I see at least one hand. Any remonstrators for or against? Great. If you guys want to come up, maybe get close to each other so we can move quickly, that would be great. If you'd like to come up first, ma'am. If you would say your name and address for the record, please.

Carol Lorries: My name is Carol Lorries and the address is 10505 US Highway 12, Michigan City. And we are the property owners west of Black Bull property. We have approximately 50 feet away from the property, his property. We have a kerosene tank, we have propane cages, and we have gas pumps as well. Our business model includes safety first, and we preach it daily. We keep our customers safe, and we keep our employees safe.

I feel like this is the most unsafe business next to ours. They are constantly shooting off fireworks. They don't have water. To me, that is a big problem. They borrow our water.

Years ago, Dick Wilson, who owned Night Magic Fireworks on Fail Road in Rolling Prairie, had a container such as that, and it did blow up. And so five of them there, five of them are existing right now. On that, on his site, I'm very terrified. Thank you.

Melissa Mishcke: Thank you. Good evening. Would you state your name and address for the record?

Jean Bennette: Jean Bennett and I'm at 10415 East US 12. I have property adjacent to the property in question.

Melissa Mishcke: On the east side?

Jean Bennett: I'd say more in the south. I have the rear. The Shell station is to the right. Yes, I wrap around. But I guess, he kind of answered two of the questions I had because there's been probably 6 or so units there for a few years now. And I just wondered if these were in addition to, but I guess he's going to try to reduce those.

And then the contents of the containers I was worried about, but then I'm also worried about there's seems to be semi traffic in there. And I don't know if that has to do with the storage units or if there's another reason why there's that kind of traffic in there. But that's really all I have. All right. Thank you.

Melissa Mischke: Thank you. Any other remonstrators tonight?

Michael Polan: Madam President, we did receive written remonstrance, which was forwarded to you and is in file in our office.

Melissa Mishcke: So if anybody wants to read the written remonstrance we received, you can contact the building department and they can provide that to you. Okay. Hearing and seeing no further remonstrators, what kind of questions do we have from the board?

Carter Madigan: May I like to answer a few of the points or do want me to wait?

Eric Pointon: Yeah, I would like to hear about semi traffic.

Carter Madigan: Yeah, that's one of the things I would like to address. So it's not our traffic. We let semis park there or there are some that are like a double trailer essentially coming from like the steel mills. And so they've asked to just be able to like drop it there while they, you know, like make the load and then they come and pick it back up same day. There's only one truck that kind of stays a little overnight sometimes, but he lives down the road. So it's got nothing necessarily to do with our business. We just let them park because we have all that gravel. You know, it's a double lot, but the one lot's just empty. It's gravel and the grass where the shipping containers are. So it's nothing business-wise.

Eric Pointon: How much carryover do you have that's in these containers year-round? Like, is there a need for all these containers in the first place?

Carter Madigan: So we have three stores total. We have our store and two more in Hammond. And so it's just the supply for the season that gets dropped for all three. And then as it's dispersed during the season, it dissipates.

Eric Pointon: Can I piggyback on that. I have another one. Do you have a like a plan, like a one year or two-year, five-year plan to build a warehouse? Rent another warehouse, some way to get rid of these shipping containers?

Carter Madigan: At this point, I don't believe the major owner does. He lives down in Florida. I believe the plan was to, like empty them out every season and then just with the orders, fill them back up at the beginning of the season. I know when we

had the fire inspector, like for last season, he also did inspect the containers. I believe the rule was 100 feet from the gas station. We met that requirement because you've got our store in between and they're on the opposite side of our store then the gas station. And then we've got like fire extinguishers in each container. So we met with y'all. We had those inspected when the marshal came. You know, again, I didn't realize there was a variance requirement, but I did get that done and he'll be doing that again this year.

Eric Pointon: Judging by the pictures, it doesn't look like you are in compliance of.

Tony Oss: Not at all.

Eric Pointon: You know, you're sitting on grass. So you're supposed to be on foundation, things that anchor down, all those things. I understand fire marshal is different, but I mean, the building department has their own set of rules.

Michael Polan: Footers and anchors.

Melissa Mischke: Okay, so. Can you, do you have restroom facilities and water at this?

Carter Madigan: We did a porta potty, like on site just for the season, because again, it's a building that's three or four. And there is a well in the back that we are working on getting mapped out and getting running again. Upon purchase, I don't believe that was working. Again, I've only been at this location the past couple of years. I know prior to me, there were issues with the gas station. I've tried to work on that. I didn't realize, I've never met the owners, but I've worked with her staff pretty well. If there's issues, they have my number directly to address things. That was kind of the reason I got moved up here because people that were there were not.

Ernie Schmidt: Do you have the facilities you said in Hammond?

Carter Madigan: Yes, there's two other stores in Hammond, firework stores.

Jeff Baltes: But all the shipping containers are full right now.

Carter Madigan: Yes.

Jeff Baltes: And that's for all three stores?

Carter Madigan: Correct. And so that's why after the season, the hope was to sell off at least two of them and just have the three-empty during the off season, fill them

during the season, and then have them emptied every off season, essentially.

Jeff Baltes: Does any of your locations have a gas station right next to it?

Carter Madigan: Yes, the Uncle Sam's in Hammond, it's right across the street. There is, I believe it's a Mobile.

Jeff Baltes: So you have one that does not have right next to a gas station where maybe it'd be a little bit better place to store all the fireworks.

Carter Madigan: There's not room for them. It's a heavy garage that is full with inventory right now. And then it's like an Aurelio's right next door and a Chase Bank. So there's no room at that location for anything.

Ernie Schmidt: When will these containers be emptied?

Carter Madigan: It would be after the 4th of July, so beginning of August.

Ernie Schmidt: And then when you get, you said you have another time frame for like the end of the year?

Carter Madigan: So for the end of the year, that the inventory from the rollover of 4th of July, we don't necessarily make new orders. And if we do, it's anything just to fill out on the shelf. So they don't fill more orders for Labor Day or New Year's because they're not as big as 4th of July. 4th of July is the only time that we're really making orders, those trucks are coming back and forth. The trucks that do come back and forth, we rent like the Penske box trucks with the lift. And so it's not actually a full semi that comes up, repeatedly. They might come to make the drop, and then we load it, but other than that, it's just like a Penske box truck.

Melissa Mischke: Any further questions from the board? And if not, I'll entertain a motion.

Ernie Schmidt: I'll make a motion that the six storage containers are removed on the 1st of August.

Jeff Baltes: Second.

Melissa Mischke: Clarification, is that we're allowing the storage containers until the 1st of August?

Ernie Schmidt: That's when they said they would be empty. And from then on, they're not allowed.

Eric Pointon: So you have 90 days or whatever that is to get them off of the property.

Melissa Mischke: So that's the motion and a second. After the 1st of August, should this pass, then you cannot return any of the storage containers to the property.

Ernie Schmidt: Correct.

Tony Oss: OK. Question other clarification is if this motion does not pass.

Eric Pointon: You can make a new one, or we can make a new motion.

Tony Oss: Okay, so understood.

Melissa Mischke: All those in favor of Ernie's motion and the second say "Aye". Okay, those opposed, same sign. So the motion passes, and you have until August 1st, and then at August 1st, they have to be removed.

Carter Madigan: Sounds good.

Melissa Mishcke: Good luck. Thank you.

Denying the variance motion passes 3 - 2.

Petition number 11 is a Petition for a Special Exception for Ruth Hugley's and Iron Mountain Towers LLC for a new wireless communication facility. 445-foot tower and a 4-foot lightning rod instead of the maximum height of 199 feet. Property is located at 344 West 1000 North. LaPorte, IN Springfield Township, Zoned A, on thirty point two zero one (30.201) 30.201 acres

Attorney Voeltz: Madam President, notice is adequate, but I do need to advise the board that approximately 10 years ago in private practice, I did represent Tower King, and that that designation appears on several of the materials that have been provided by a petitioner for a telecommunications tower in La Porte County.

Derek McGrew: So, for clarification's sake, Iron Mountain Towers is a subsidiary of Tower King.

Melissa Mischke: Everybody's good with Andrew still representing us? OK. Alright, very good. Sir, if you would state your name and address for the record, and I am going to ask you to hit just the major points and have our questions kind of guide where we're going to go with this.

Derek McGrew: Hey, I was going to apologize. I have five (5) to ten (10) minute presentation.. . .

Melissa Mishcke: I figured you'd do this. I'm going to let you know right now that we're going to probably have more questions. And then if we need further information, we'll go ahead and do the presentation.

My name is Derek McGrew. I'll give you the business address, which is 23434 Elliott Road, Defiance, Ohio. I actually personally developed more towers in LaPorte County than any county anywhere. I grew up in Chesterton. And currently live down in Noblesville, but back in the day when we had an office in Valparaiso, developed quite a few towers, most of your towers in LaPorte County I had something to do with. So where the coverage is good, I'll take credit where it's not good, not my fault. This particular facility, you're aware of the location, I believe.

I'm going to try to go pretty quickly here, like you guys requested. The company that I represent Iron Mountain Towers has a tenant that is seeking to propagate a signal many miles to the east and west. And for that reason, that's the reason we're asking for such a great height, we are asking for a special exception to meet all of the ordinance criteria, except in the height.

The signal we're sending in order to make it over Lake Michigan has to be this height. And there's a signal map in your packet, assuming you have my application packet, which shows the signal getting close to the curvature of the earth. That's the way you have to have a tower every so often, depending on the topography. This particular one is, like I said, going to Chicago to the west and is going to a tower roughly just a little east of South Bend.

Melissa Mischke: So is it fair to say that it's not cell tower transmission?

Derek McGrew: That's correct. It is not. It's point to point.

Melissa Mischke: Okay. Are you at liberty to tell us what kind of communications it contains.

Derek McGrew: It is for the financial markets and also the government monitors it.

Melissa Mischke: We've done this tower, a similar tower before. It was for the financial markets.

Derek McGrew: I'm not surprised. As I said, we do meet all the setbacks. The reason it is shifted off to one side of the property is because basically the, I'll call it the

center and west half of the property has a bunch of wetlands in a protected waterway. So we can't get into that because where towers are governed by the FCC. We can't get into wetlands and that sort of thing.

I did provide you a colocation affidavit. The height variance justification is, like I said, the signal maps. We did receive a no hazard from the FAA, meaning that there's the FAA has no issues with this location and the site. So far as tenants go, as I mentioned, we have the tenant, one tenant at the top. We also have been, I contacted all of the wireless providers and I was told by all three major carriers that this location will eventually be a place where they need to be. And so what, how that helps the county is do you have a two-mile radius in your ordinance that says you but a tower within two miles. By the way, there is no tower within two miles of this tower. And that is going to force those providers, even though they're going to want to use it anyway, it's going to force them to use this and cover that portion of highway and that rural area. The tower itself, like I said, it's probably about halfway back on the property. It's roughly 2 football fields off the road. That's both sides, both the east and west are vacant and I believe behind us is vacant too. It's wooded or agricultural.

I was going to go through your entire special use requirements and the responses, but in light of your request, I will hold off on that. I did provide a, even though it's not required, I know a big concern for towers is that they could fall. I provided a what's called a fall zone letter in your packet. And that is a professionally engineered stamped letter stating that this tower will not leave the property. If it were to fail under worst case scenario, which I believe is 107 mph with 1 1/2 inches of ice, which would be a bad day. I think you've had some other concerns.

It doesn't emit any noise, very little traffic, 4 to 6 visits a year once constructed. The lights on the tower will be red during the day, white at night, which is what's called the dual medium system. There won't be any white strobes or anything like that. No dust, vibration, glare, emissions. There, at least for this initial installation, there will be no generators, so no noise from that. This doesn't impede the progress of surrounding properties in any way. We're meeting all the setbacks, and like I said, the tower, you know, in the worst-case scenario, this is going to stay on the property. Utilities that we'll need are very minimal, nothing special, just 220 like you would for your house. And I think that's as quick as I can go through all this.

Melissa Mischke: Let's see if we have some remonstrators. I think we do. I believe we do too. So if you'll have a seat. And here's what I want you guys to do. We're going to hear everybody, but I want you to get kind of in line so that we can move kind of quickly. I know we have people all over the room, so. So we're going to state our name and address, and you're going to try not to repeat any of the issues that you've already heard.

Beth Bianco: Okay. Hi, my name is Beth Bianco. I live at 9679 North Wilhelm Road in LaPorte. So where this tower is kind of is like where my backyard is. If it's going to be that high, I already see on the west side and the north another tower that's constantly flashing. So now I'm going to look at this one. I have wetlands on my property. I have hunting lands on my property. I plan to buy the 60 acres, which is a Swanson property that already butts up to that, to have cattle to continue to farm. I'm completely against the cell phone tower. Okay, thank you.

Anthony Bianco: 9679 North Wilhelm Road, where the property owners back up to. A 449-foot tower in my backyard. The Washington Monument is 500 feet tall. Would you want to look at that in your backyard? Absolutely not. There's an unused commercial property that's on 39, 3/4 of a mile away.

Melissa Mischke: And Sir, I'm going to ask you to keep your comments towards the board.

Anthony Bianco: 3/4 of a mile away, and a mile and a half away, there's an industrial park that's not being used. Why does this have to go in the middle of a residential area? I get it that it's farmland everywhere, but there's homes all around. Then you want to shoot microwave, you want to shoot microwaves because that's what he's talking about, talking about the big drones to shoot them across to go to Chicago and then the South Bend. Why do we need to be exposed to that? Thank you.

Melissa Mischke: Who's next?

Ralph Gerbie: I'm Ralph Gerbie. This is my wife, Jody Gerbie, and our address is 10268 Range Road, LaPorte.

Jody Gerbie: We also own the property directly east of where this is going. OK, it is vacant farmland now.

Ralph Gerbie: So this has been our home for just shy of 25 years. We bought that second parcel that Jody just referenced about 8 years after we bought our first parcel and we built the handcrafted home there. And we fell in love with this part of the country. And we've been going to Heston Bar ever since we built a home. And we have a love for this area. What we don't have a love for is a neighbor growing out of the ground to 445 feet into the air. This is something that is apparently okay to do 199 feet of, which I think is staggering, let alone more than twice that height. That is what's being suggested to happen on a corridor of 1000 North which is widely regarded in that area, is one of the most idyllic rolling roads from 39 all the way up to the Heston Bar. Every family up and down there, and believe me, I canvassed and stopped at 200 homes last week and left information with all of them and explained

it. I wish more of them were here, but everybody's got jobs and everybody's busy. But I'm not so busy that I can't put my heart on my sleeve and say that this is a special corridor of real estate. And I'll step back for a moment and say, with all emotion, I have spent 40 years as a commercial real estate guy. I have flown to 85 cities around the country. I have done the work on behalf of the Fortune 5 for my entire career. I am deeply and with all modesty very, very strong real estate person. I have forgotten more than people know about real estate. I also, Madam Chairman, spent 10 years as the Chairman of the Zoning Board of Appeals of Oak Park, Illinois, a community of 50,000 people, which is one of the most vocal populous.

Jody Gerbie: Yes, the effect to real estate values for everyone, it is very high density compared to all these other areas. It should not be done.

Melissa Mischke: OK, thank you. If you would like to come forward, please.

Bev Griffith: Good evening. My name is Bev Griffith. My husband, Bill, and I live a mile away from where this will be. We're on 900 North, 179 East, 900 North. And we've been here for thirty years in an idyllic, lovely, rural paradise, really. And we just found out that this was a possibility a mile away. So we're, and I'd like to thank the Gerbies' for calling it to our attention because we, you know, we wouldn't have known, but just coming from a standpoint of unspoiled nature. We'll see it forever. This is as tall as one of the windmills. In fact, it's taller because some of those are only 300 feet. This is going to be another 150 feet plus an antenna. So at any rate, I would just like to speak to say we know progress has to happen, but maybe it could happen in a little bit of a different place that is not quite so pristine. Thank you, for your time and for what you guys do.

Melissa Mischke: If you like to come forward. Would you state your name and address for the record?

Pam Braithwaite (spelling): My name is Pam Braithwaite and I live at 10296 North Range Road, just north of the Gerbies. It's a dead-end road there. I just wanted to come up and say my dad bought the property in 1980 from Don Schwank and he has passed. His lease owns the property that's basically across the street and somewhat catty corner to the farm where this is being proposed. So technically I'm about 1/4 mile from there. I've lived in the house for the past 15 years. I moved back in with my daughter and she's moved out but I'm still there to take care of my elderly parents. They've been there since 1991. This is a retirement. I wanted to say that it's a wetlands area. We have a swamp. There's a lake behind us that we don't own the lake. It is a migratory area for sandhill cranes. We have lots of Canadian geese. There's all kinds of different species that are out there. It's a farmland, it's beautiful. Everyone, it's just such a pristine area. My concern is also with any frequencies that might be too high, going into megahertz and gigahertz, that could cause possible

health risks. I mean, there's two sides, but there's risks where it can be cancerous, it could be memory loss. It could cause cataracts. It could cause a lot of different health issues. And it's the other side. And you're going to be like, oh, it's great. No, there's not enough studies. But anyway, I just wanted to put that out there. Anyway, I love it there. My parents love it there. And I don't think that something such as a large corporation has any right to come in and take what is beautiful and wonderful from everyone involved that lives there. And it is a beautiful area. And there's a lot of residents in that area.

And also one more thing, the footholds, not including the wires that come down, they can take up between 2 and 10 acres just for the base of it. So I have to say, thank you.

Melissa Mischke: Thank you. Do we have any additional remonstrators? And there, would you state your name and some address for the record?

Megan Garcia: Hi, I'm Megan Garcia and we're at 265 West 1000 North. So we're across the street, catty corner. We have lots of concerns. Actually, we just found out about this, so I didn't have as much time as I would like to have researched. But number one, the eyesore, let's be honest, we moved here from Illinois 13 years ago because of how beautiful it is and we didn't want to bring it with us. And that's what this does for us. But on top of that, I have kids. So I do wonder about health risks in the future. What it can do. I tried to research as much as I can. And again, just like the last lady said, you get yes, no's. I there's no evidence-based practice articles that I can find that say it doesn't affect your health or it does affect your health. So that's a concern for us. We have almost all of our neighbors have horses, animals, what are these sounds going to do for them? They are peaceful creatures that don't need to deal with that kind of stuff. So I just would really not like to see it go up at all, especially because health concerns and the unknowns, like that's basically what it is.

Felipe Garcia: Hi, my name is Felipe Garcia. I also live at 265 West 1000 North. And pretty much with the concerns that everybody else has, and also wondering how is this going to in fact impact the land, because I know putting up this huge tower is going to be down into the earth. Is this going to affect the well water? What else is going to affect? There's too many unknowns for this big building to be proposed. So we're not sure exactly how it's going to affect everyone. And so at this point, we're going to guess it. Thank you.

Melissa Mischke: Thank you.

Derek McGrew: Excuse me, I'm sorry. I didn't hear his first concern just before he said something about well water.

Melissa Mischke: He had concerns like everyone else did. Oh, and then well water, that was it. And then how it's going to affect the well water.

Sir, if you'd like to come up in the front here. And then you can be if you'll be next.

Rich Slater: Yeah, my name is Richard Slater. I live at 1076 West 1000 North, so I'm about 7 tenths of a mile straight west of where this thing would go. In researching the county's ordinance that was affected by October 13th, 2016, a couple of items that I thought pertained to this in there. Under section 15 general provisions, Section 15.01 uses per lot, Subsection C says wireless communication facilities may be located on a lot that contains another use except one family and two-family dwellings. And there is already a dwelling house on that property of I believe. And secondly, under section 28.11 variances, subset one, the approval will not be injurious to the public health, safety, morals, and general welfare of the community. Now, I would say that a 440 foot, 445 foot plus the lightning rod, that's over 40 stories tall would not really be a safe feature in comparison for some things we know about around here. The concrete tower over at Schultz Road and US 35 is about 197 feet tall. Blue Chip Casino at 22 stories is roughly 220 feet tall. So this thing is more than twice as tall as either of those facilities. And some additional issues would be construction traffic. Out there, we already have the Versaw sandpit operating. They've got three trucks, tri-axle and quad-axle dump trucks running up and down 1000 from roughly 6 in the morning to 4 p.m. hauling sand out and back hauling mostly tree waste and whatever else they haul back into that sand pit, dumping it in there. So we've already got that traffic that's pretty tough on the road, and this tower, I'm sure, is going to probably have guy wires, fencing. I think the gentleman mentioned the white and red lights on there during the day and the night. We've got some of those in the neighborhood already to the west of us that pretty well light up things out there. You've got all the fencing around the project area. And I don't know, no ground buildings were mentioned, but usually with these facilities, some kind of a ground building that's built there too. So I think this project would change the aesthetics, the visual character, the neighborhood identity and desirability for continued high value development that's been going on in that area for years.

Melissa Mischke: Okay, thank you, Richard. Your 3 minutes are up. Okay. Thank you. All right, Jerry, I have a few ladies that I'm going to let go first. But if you guys want to kind of, get close so that I can see how many we have left.

Nora Schwenk: My name is Nora Schwenk and I live directly across the road from this proposed site of this tower. I am the 5th generation of Schwenk to come over from Germany and live in that area and protect the land. I lost my son. However, I will be deeding my farm to my granddaughter.

Melissa Mischke: What concerns do you have about the tower?

Nora Schwenk: Pardon?

Melissa Mischke: What concerns do you have about the tower?

Nora Schwenk: The tower is entirely too immense for our area. I did some comparison on my own to try to figure out how tall really is 445 plus 44 feet. And the Washington Monument is only 555 feet, 5 inches and one eighth inch tall. And I think this is just a little too much for us in a rural farming community to accept at this time, not for myself, I'm 84 years old and a widow, but for my granddaughter who will ultimately live there.

Melissa Mischke: State your name and address for the record.

Allison McCowan: It's Allison McCowan, and then it would be the same address as hers. My biggest concern was the environmental impacts the tower would have on the area, as the, as other people had mentioned, like the frequencies, how that would affect like the pollinators, since a lot of people do have like their farms out there. Okay, thank you. Thank you.

Melissa Mischke: If you'd state your name and address for the record. And again, I would like to stress that anything new, something that we have not already heard.

Ashton Yettaw, 255 West, 1000 North. I'm directly to the north side of the road, East, just off the property. My wife and I and our one-year-old at the time moved there two years ago. We come from a farming background and we want to keep it that way. Our property, 50 years, was originally farm ground. Our family farms directly across the street next to the property at 344 West. And our biggest concerns is, I know, I apologize for it, it's already come up, is aesthetics now. I know the world has to move on. I'm a tradesman. I get it. I like my cell phone. But we move there for the property and for peace and quiet. And my daughter is 3 now, and we want her to be raised in the farm family and grow up to continue the tradition, use our ground just to grow, and maybe our grandkids one day can continue to do the same thing. 200 feet, if it comes down to that, I understand. But truthfully, going to bed every night is hard, dealing with the fire risks. And just the annoyance of the construction that was mentioned before, the trucks nonstop. I'm on construction sites every day. It's not pleasant, it's not fun. I don't want to be there 100% of the time with the noise, but I have to. That's what I do for my family. And so I do understand where they are coming from, but I truly believe that it would be amazing to keep this part of La Porte County to agriculture. One day it's not going to be. There will be more data centers and it's in gas stations and it's just going to; we're going to lose farm ground eventually. I get it, but if we could get another generation out of it, that

would be wonderful. So thank you board for your time. I appreciate it.

Melissa Mischke: Thank you. Would you state your name and addresses for the record.

Kathaleen Thomas: I'm Kathaleen Thomas. I live at 442 West 1000 North LaPorte, and I also own the land that's in the trust next to it, which is 0343 West 1000 North. So we own all the land directly across from the Hugley's. This is my husband, Matt Thomas, same address.

So I'm a nurse practitioner, so I am really invested in research. I make my medical decisions based on research and data. So my concerns, although not being a vet, are what are the adverse effects to animals, reproductive impacts. We raise cattle, we raise colts, we trained them. I haven't seen any researcher data. I actually thought it was a cell phone tower. And today, I learned it's not. So I didn't have a chance to research the microwaves or I'm not even exactly sure what it is, but I wish I had a little bit of time to research that and address that. We are also concerned about the noise. I did read that these towers, he said no generator for now. I don't know what that means, but do they use cooling fans? If they're going to, what happens when it hums, it buzzes, when the auxiliary equipment breaks, how quickly do they fix it? We have animals, we live directly across the street. I don't want to hear that stuff when it breaks, and it will. Eventually they all do. What's the plan for that? And I think lastly, we were concerned about like seeing it, but I think we are so close to it that when we walk out, like we're going to have to do this. So if we were further away, I think we would probably actually see it more unless it's in front of the tree line, then it's going to be right in our view, which is a concern.

And then I didn't realize until this meeting today that it's absolutely no benefit to LaPorte County residents. It's not a cell phone tower. So all we're benefiting is Chicago and South Bend. I am 100% for progression and that we need these things, but I don't know if we need to benefit Chicago and South Bend and outside our front door across the street. I might support it more if it benefited the LaPorte County. Like if they said, oh yeah, AT&T and Verizon, everybody's going to be able to use it right now. Sounds like we can't use it at all unless later the cell phone companies want to jump on board and use the tower. So like, I'm kind of, we are kind of like, why are we supporting an evolution that doesn't even benefit La Porte County residents and could harm our animals? And could cause noise, and everything else everybody mentioned.

Melissa Mischke: Right, Jerry.

Jerry Cooley, 1877 West 1000 North. I'm 1/2 a mile from 39. And there is a cell tower down the road from me a half a mile, right along 94, and that's where they all go. They like to be along 94 in the toll roads. You know, we have a beautiful area. We have a lot of people visit our community here. That tower is in a bad place. I don't know why we don't have an ordinance, that they have to be in an industrial area to put them up.

These things, you know, you talk about comparison. When the leaves are down, I can almost see the smokestack. Nipsco, that's 500 feet. The cooling tower is 360 feet. I worked on that thing, so I know how tall that is. So that's a comparison of how tall it is. 450 foot in the air on farmland out there at 1000 N. Can you imagine that thing? That's going to be the ugliest thing there is in the world. And I believe in construction. I'm from the field of construction, but this is no place for this. The neighbors are right. I wouldn't want the damn thing. I could, I'll probably be able to see it from my house and I don't want to see it. And as far as the blinking lights, I come up 39, I could see them out at 94, the blinking lights. It's, you know, come on. I got to deal with all that marijuana joints already, and now I have to deal with it. I mean, you know, I, you know, 1000 North. I'm telling you what, 16 marijuana is, you know, 3 miles from my house. And, you know, and Indiana is too stupid not to pass it in Indiana, so we get the taxes. I don't know what this place is going to put in taxes. I'll tell you, I probably pay more taxes than what this thing's going to put on. But I agree with the neighbors, you know, we don't do this. You know, if you put it for a little township, they wouldn't put them there. They'd put them somewhere else in the industrial area.

Melissa Mischke: Great. Thank you. Okay, one more. This is the last remonstrator we're going to hear this evening. If you would, state your name and address.

Rich Schreiber, 534 West 900 North just south of where this tower is going in. Okay. It's supposed to be a 450-foot tower. It has to be located to one side of the property to avoid a wetland. Okay. And the property, I believe, if you look on the Beacon website, property is only 800 and like 50 feet wide. So 450 feet high is located to one side of the property, and they say their design is going to collapse on itself and not fall across the property line, damaging other neighbors. Okay, I find that hard to believe. Okay, I don't care who signed it. The other thing is there's multiple fiber optic running through the different rail lines all across the country. That's, I believe, a more secure way to send data than to put it up in the air for everybody to peel off on it. So those are my concerns besides the others. And there are eagles that are inhabiting that area now and nesting up in this part of the county. So I don't know, they probably have the environmental impact statement stamped by somebody. So who knows? That's all I got.

Melissa Mischke: Thank you, Rich. Okay, what kind of, if you'd like to come back up, what kind of questions do we have as a board? I know we have some, so...

Tony Oss: I'll start. Were there any alternative sites in the area evaluated?

Derek McGrew: Oh, yeah, many. I couldn't give you a number. Search ring was actually fairly large, but there were very few properties that met the criteria that we needed in including landlord interest in leasing. So yes, there were many properties. These kinds of search areas are a little different than cell tower search areas. They're rectangular and narrow. And so like some of the people that were here that are that live, you know, a mile away, some tenths of a mile away, you know, if it weren't approved here, it's likely it could be proposed to even closer to their homes. I mean, it's the, let me respond to the industrial park that kept coming up. That's not only not in our search ring, but the property is not large enough. It just doesn't work or we would be there. That's a lot easier thing to sell than trying to go on agriculture property, but agriculture property is allowed in your ordinance. So, that's why we went there.

Jeff Baltes: How many feet from the property line, is it going to be the base going to be located?

Derek McGrew: The closest one is, that's why I had this here in case I had a question. It's just over half, which is what your ordinance requires. It's 227 from the east line. It's 593 from the from the road. It's 624 from the west line and over 1000 feet, 1034 from the south line.

Jeff Baltes: What was that first?

Derek McGrew: 227, your ordinance calls for a setback of a 50% tower height from non-residentially zoned properties.

Melissa Mischke: Ernie, do you have any questions?

Ernie Schmidt: No

Melissa Mischke: Anything else?

Tony Oss: I've got one for Andrew. Andrew, can you provide any guidance or information in regards to what the federal telecommunication sort of rules around us would be?

Attorney Voeltz: In the packet that was provided by petitioner does outline specifically the requirements under Telecommunications Act of 1996, which is

codified under 47 USC Section 332, subsection C7. It specifically that also goes forward to reference FCC licensing, FAA obstruction evaluation requirements, and the information provided by the petitioner indicates that this petition does meet those requirements. However, I have not had an opportunity to dig that deep into those specific code sections, which are highly technical. So you have to take, the board will have to take the presentation on its face. With that being said, if there are areas that are not in compliance, that would be reason to rescind a granted variance for this purpose, and that it was not properly presented.

Melissa Mischke: There are no further questions from the board. I will entertain a motion.

Derek McGrew: I don't get an opportunity to respond to the.

Melissa Mischke: Please. Please respond.

Derek McGrew: I mean, are you going to make a motion to deny? Is that what is about to happen?

Melissa Mischke: I don't know. I'm not the one who makes motions. I'm the president.

Derek McGrew: Okay. Regarding property values, that comes up anytime I do a tower anywhere, people that show up say it's going to affect the property values. We've done study after study after study. This has been shown that not only do they not negatively affect property values, they actually, it's either a no effect or improves property values. There's no, we've never done a study that shows that it negatively affects property values. I know that doesn't seem believable. I'm telling you that it's done by an appraiser, so something but someone with factual information.

Some that kept being mentioned, there was a cell phone tower, as you know, it's not.

I mentioned that we, you know, we put on, I contact, it's my job to search for properties in the area. And I did contact many properties in the area.

Just a reminder, we meet the setbacks regarding construction traffic and noise that construction will happen for a very short period of time. This once it's constructed, there is a construction trucks coming in and out. The maintenance trucks that come in are going to be a pickup truck, a van or a sedan, and that's four to six times you know, a year. It's not repetitive.

There's no additional fire risk to any other structure that's being built or has been built, including homes.

The signal that's being sent starts out basically the size of your pinky or your finger. We're not talking about a cell tower, which is propagating a signal over a large area, almost like a spray can. Like it's like a paint spray can. There's no buildings being proposed at this location that I'll call it a structure is. They use, they look like some small refrigerators, about this tall. They set up on a platform, but there's no buildings actually proposed.

I understand that everyone in the audience believes that this will affect the visual character of the area, and I understand their concern, but being 2 football fields off the road, I just, I don't think they're really going to notice it nearly as much as I think they are once it's constructed.

Melissa Mischke: All right, I'm going to ask the audience to keep their comments to themselves. Give this gentleman an opportunity to respond so we can make a vote.

Derek McGrew: There's no effect on water at all. We don't do anything with water. There's no water service. We construct it under the criteria of federal and state standards. The public benefit, there is an immediate benefit, but it's more about, as you're aware, this is for the financial industry. So if anyone in La Porte County make trades like on E-Trade or other types of online services, that's one of the things that this uses. I'm sorry, this is the use for that purpose. So there is that public benefit. There is also the future public benefit, as I had mentioned, that there are, the wireless providers are going to want to use this site. If you look at, there's apps that you can look on your phone. There's weak service in that area for all three providers right now.

And lastly, look, I have sympathy for, I don't want to come up here and propose something that, and this many people show up to oppose it. That's no fun for me. I try to put a tower; I've been doing this for 26 years. You know, I try to put towers where it's not going to affect anybody. I understand people are going to disagree with the where, you know, where, where it was placed. I will say, though, that we looked at a lot of properties in a large area, and we were not able to find another property that met all the criteria in order to place this tower. And, you know, if this were not approved, it's going to be proposed against somewhere else. And maybe we won't be able to meet all the criteria, but here we do.

Here, this is a special exception. The only other areas to that we're asking for is the height. A 200-foot tower does us no good. Well, we're going to have to start over and propose another one somewhere else to get this weren't approved.

And if the board would be interested, we could talk about a continuance to next month. I can provide photo simulations. I can provide, I didn't mention, we do extensive environmental studies to ensure that it isn't affecting historical, the historical value of the area and different wildlife in the area. As a matter of fact, one of the things that actually negatively affects us, if that's kind of a strong word to use, but you know, I have a project I'm working on right now that has ospreys that are nested on the top of the tower and we can't touch that tower until the ospreys leave. If there's an eagle in the area, I wouldn't be surprised at all if it nested on top of the tower. And it certainly wouldn't negatively affect them.

Anyway, like I said, I could provide you those studies. I could provide you photo simulations of what this is going to look like from different perspectives. And I believe there's one other thing, but I can't remember what that was. Please ask me any questions that you might have.

Eric Pointon: Is there been studies on livestock? Do you know of as far as breeding and that kind of thing goes?

Derek McGrew: I'm sorry, studies on what?

Eric Pointon: Livestock? You said, you said wildlife, but is there studies on livestock as far as breeding and whatnot? Does it affect breeding for us? I know big highline towers for electricity does affect breeding and that kind of thing.

Derek McGrew: So you put me in an awkward position.

Eric Pointon: And if you can, if you don't know, say no.

Derek McGrew: No, it's not that I don't know. I do know. But unfortunately, because the Telecommunications Act has preempted this kind of discussion, I can't answer you as badly as I can answer you out there. I can't answer you.

Eric Pointon: I just know if you have studies on these other things, if you had studies on that, that was not much.

Derek McGrew: Yeah, there's all kinds of studies, but unfortunately, I can't talk about them because, actually, you're not supposed to entertain those kinds of things in this kind of venue. And so, you know, I've always been advised by attorneys that I work with to not speak about health effects when it comes to towers because it shouldn't be discussed. I wish I could.

Attorney Voeltz: Madam President, point of order.

Melissa Mischke: Please.

Attorney Voeltz: Pursuant to the specific requirements for a special exception under the LaPorte County Joint Zoning Board, section 24.05 has eight items that must be met. And each of the following must be true. Subsection A, general welfare, subsection B, surrounding property, subsection C, hazard, subsection D, public facilities and services, subsection E, development requirements, subsection F, ordinance intent, subsection G, county land development plan, and subsection H use regulation. Now the board needs to understand that all of those must be met. Each of those following must be true. It's not 7 out of eight, it's 8 out of eight. I just wanted to make that point of clarification. With regards to the FCC Act that was referenced, there may be things that are inappropriate to discuss in this forum pursuant to that federal law. However, these items, these eight items are what you are basing your decision on this evening.

Melissa Mischke: Thank you for that clarification.

Derek McGrew: But keep in mind that the public health can also be you know, is it going to be, is someone going to be harmed because the tower falls over the public health, but what you're not, my understanding, you know, I'm not going to put words in your attorney's mouth, but my understanding is the Telecommunications Act doesn't allow you to discuss or use the health effects from the signal itself. But the structure, you know, concerns about any other health concerns, those are obviously open.

Eric Pointon: Do you feel you could provide us literature to make our decision easier on those eight points if we gave you a continuous comment next month?

Derek McGrew: Yes, I do.

Tony Oss: Anything you want to add before we move forward?

Derek McGrew: I mean, the things that I mentioned, yeah, yeah.

Tony Oss: I mean, like right now.

Derek McGrew: I don't think so.

Melissa Mischke: I'm going to entertain a motion.

Tony Oss: I would move to continue this until June and give you an opportunity to respond to some of the concerns.

Eric Pointon: I'll second that.

Melissa Mischke: I would suggest too that if it passes to continue, you work with the building, excuse me, the building commissioner's office to provide information so that these remonstrators can go, whether it's a spot on our website for the county, but somewhere where these remonstrators can also have access to information and work with their office to do that. Does that sound okay with you?

Michael Polan: Sure. I think we will be the record keepers of that information. We can disseminate that via.

Melissa Mischke: I think it needs to be available to the public as well.

Michael Polan: Okay.

Melissa Mischke: Okay, so I have a motion and a second to continue this petition until the June meeting. All those in favor say aye. Those opposed same sign. Aye. Good luck. Work with the building commissioner's office.

That goes for the remonstrators as well. If you have questions about information, please contact the building commissioner, their office. Otherwise, we will be June 16th is the date that we'll hear the continuation of this petition.

Motion to continue until June 16 passes 3 – 2.

Petition #12 is a Petition for Variance of Developmental Standards for Desantiago Ricardo to construct a pool house, guest house at the property located at 2575 North Tiffany Drive, La Porte, Coolspring Township, zoned R1A.

Melissa Mischke: Thank you for your patience. If you don't mind, we'll just give everybody a minute to exit. Folks, if we could move your conversations out into the hallway, we do have to wrap up our meeting. Thank you. We'll see you in June.

Attorney Voeltz: Notice is adequate.

Melissa Mischke: Thank you. And would you ladies state your name and address for the record?

Yesenia Cazares, 326 Holliday Street, Michigan City, Indiana. Maria DeSantiago, 2575 Tiffany Drive, LaPorte, Indiana, 46350.

Melissa Mishcke: OK. Is your house built? Everything's good. Now you want to put in a pool with a pool house. Is it going to be used for residential rentals? People are going to sleep over? Is it just personal?

Maria Desantiago: It's going to be a guest house for my family when they come and visit from Chicago.

Melissa Mishcke: Okay. And what's the size of this?

Maria Desantiago: I believe it's 26 by 36.

Melissa Mischke: Do we have any remonstrators tonight for this petition? Anybody for or against? Petition number 12. Any remonstrators? Final call for any remonstrators for or against this petition. Hearing and seeing none, what kind of questions do we have as a board?

Are you sure 26 by 36 is big enough?

So we're going to have pool mechanics in there?

Maria Desantiago: And it's going to have a whole pump thing and a little open area so we could like have parties and, you know, little things. And then, you know, like a washer and dryer for the wet towels and stuff like that.

Tony Oss: Yeah, I mean, my understanding is, it's the second accessory structure. Yep, and that's all we're looking at, because the size works. Yep, right, right.

Melissa Mishcke: Yes.

Eric Pointon: That's a beautiful house.

Melissa Mishcke: I know.

Jeff Baltes: It is a beautiful house.

Tony Oss: You want to stop? You want to stop by?

Melissa Mishcke: I feel like perhaps we should be related.

Ernie Schmidt: Will the new structure match?

Maria Desantiago: Yes.

Eric Pointon: I feel like it's going to look beautiful.

Ernie Schmidt: Designs and colors and stuff.

Maria Desantiago: Yes, everything, everything we bought, everything.

Ernie Schmidt: All right, yeah. Thank you.

Eric Pointon: Okay. I make a motion to approve this petition.

Jeff Baltes: Second.

Melissa Mishcke: I have a motion and a second to approve. Good luck to you for your patience. Good evening.

Motion passes 5 – 0.

Melissa Mischke: OK, we are going to see if petitioner one. Which is a petition for, I'm sorry, is it petition? Yes, thank you. That's too much paperwork. Petition #5, Travis Wallin, are you here?

Okay, I do not see the petitioner. So if I might ask that you would contact the petitioner and see if they would like to be continued to June or perhaps, they need additional time. I would appreciate that. Is there any further new business in front of the board?

Michael Polan: No, ma'am.

Melissa Mishcke: Attorney Voeltz, do you have any business with us?

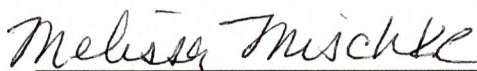
Attorney Voeltz: No, Madam President.

Melissa Mishcke: I will entertain a motion to adjourn.

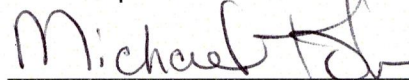
Eric Pointon: I will make a motion to adjourn.

Jeff Baltes: Second.

Motion carried 5 – 0. Meeting adjourned at 8:37 p.m.



Melissa Mischke
President



Michael Polan
Recording Secretary