



LAPORTE COUNTY PLAN COMMISSION

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Michael Polan
Building Commissioner

Dear Members:

The regular meeting of the LaPorte County Plan Commission was held on Tuesday,
September 22nd, 2026 at 6:00 p.m. in the Assembly Room of the County Complex.

Members Present:	Rita Beaty	Jimmy Pressel
	John Matwyshyn	Andy Chlupacek
	Steve Holifield	Anthony Oss
	Eric Pointon	
Members absent	Joe Tuholski	John Carr

Present: Andrew Voeltz, Attorney, Michael Polan, Recording Secretary,
Janet Cole, Administrative Specialist and Deanna Schweizer,
Administrative Coordinator.

Pledge of Allegiance.

Rita Beaty: Can I have a motion for the approval of the agenda for this evening?

Steve Holifield: I'll make a motion we approve the agenda.

Eric Pointon: Second.

Motion approved and carried 7 – 0

Rita Beaty: Now an approval for the minutes for last month.

Eric Pointon: All right. I'll make a motion to approve the minutes as presented in the
e-mail.

Rita Beaty: Is there a second?

Steve Holifield: Second.

Motion approved and carried 7 – 0.

Rita Beaty: All right, moving forward. We have no petitions for this evening, but we do have some new business to update us. A little bit different, significant, unique situation here. So, I'm going to hand it over to our building commissioner and or the attorney or both.

Mike Polan: Thank you, Madam President. This is related to correspondence that we received from an attorney regarding an appellate court decision. I sent that out to all of you so you would get a chance to read it. It originally came to myself, our legal counsel and the county attorney, and then correspondence back and forth.

The attorney indicated that she would like to appear before the plan commission or the BZA to explain it and provide us with information. I don't think that she is going to appear this evening because we don't have Zoom capability, but you did all receive the correspondence that will be available in our office as a public record as well as the appellate court decision. That's all I have. Maybe our attorney has more to add to it.

Rita Beaty: You can see she is not present this evening. So, we'll proceed with the attorney this evening.

Attorney Andrew Voeltz: Madam President, good evening. You are accurate. This is a bit of a unique situation. The presenter or requester is not here, is not appearing and I will not be making a presentation on her behalf because I don't know what the presentation is supposed to be.

We were provided, or the, excuse me, the Plan Commission was provided and the Building Commissioner's Office was provided with a copy of the Court of Appeals decision, that I have reviewed. And again, it's captioned, the Court of Appeals decision that I received or that we received is Kenneth and Laura Nurenberg as appellants plaintiffs versus Stacey Reuer as appellee defendant. This is coming from an appeals case that was her, or I'm sorry, a trial court case in LaPorte County, out of Superior Court Number 2 under Cause Number 46 D022011 CT1933.

Now the opinion that was provided to the building commissioner's office indicates that this is an opinion. However, there is some information out there that indicates that it's a memorandum opinion or a memorandum decision. I've not been able to determine which is true, which is not. So I'm simply going off of what was presented. And again, I'm not making a presentation on this. There are, quite frankly, there are errors in this opinion. For example, the property that is subject to this appeal is indicated by the Court of Appeals that it is zoned Residential. It is not zoned Residential, it's zoned Ag, I've highlighted at least six issues that I have with this

decision, and once again, I don't know what this decision purports to say or purports to be interpreted as related to the Joint Zoning Ordinance.

However, there are certain statements that are made within the opinion that do raise some questions as far as the inclusivity or exclusivity of the LaPorte County Joint Zoning Ordinance. Whereas it could be a position that would be taken that if a specific use is not permitted under the JZO, it is therefore prohibited. I cannot believe that that was the intention behind the JZO or the language contained within the JZO in that every permitted use had to be specifically indicated because you would have a Joint Zoning Ordinance that is the size of five phone books if anybody uses a phone book anymore. So, once again, I don't know what, requestor was trying to do with this. We facilitated, I'm sorry, Mike's office facilitated her request to be placed on the agenda. She's not here. There's no attorney here to parse whatever language they believe needs to be parsed as is applicable to the LaPorte County Joint Zoning Ordinance, but with that being said, certainly it raises the possibility of some issues down the road that potentially this body could address. But again, I'm not going to make any presentation or any, not going to offer a legal opinion on something when there's nothing before the board to have a legal opinion offered on. So that's where we're at.

Rita Beaty: Well, as we said, this was a unique situation, something that I've not seen before our board before. So it's not something we're normally accustomed to addressing anyway. So at this point, I don't know if there's any discussion that needs to happen pertaining to it, unless there's somebody that wants to say something off the board. Otherwise, we'll just have heard and did our due diligence here for this evening and move forward towards old business.

Mike Polan: If any of you have questions for me or legal counsel, I can answer them at this time. Otherwise, I would say we could move on to, we have two standing committees. So perhaps we could get updates from those committees to the rest of the board.

Steve Holifield: Solar Committee met last week or so. A couple things we addressed, and Matt Reardan from Economic Development was involved in it too. He sat in on it. He'd made some suggestions that since we can't chase these carpetbaggers out of town. You have a megawatts per acre limit instead of just a total limit, because he says they'll find a way around that. So, you can say you can only use so many megawatts on an acre. And that's it, you're done. And then another suggestion he was to help for the cost of enforcement, a discussion of a fee per panel or structure on an annual basis. So that way these guys are, someone can investigate, make sure they're following the rules and their contract, make sure they're living up to it because they're going to have weed control. They're going to have fences they're going to have to take care of. They're going to have to take care of those pollinators

they claim, which could turn into noxious weeds really quick, so those are basically the only things that we discussed.

Tony, you were there. Do you have anything? Eric, you were there any other things?

Anthony Oss: I think we mentioned maybe looking into whether or not we wanted to have some insurance requirements going forward for, you know, if the one to make just, I think that would require a longer discussion with legal counsel as to what the ramifications are, how that works. So, but that was really brought up.

Steve Holifield: And that was basically in case there's a runaway fire or something like that.

Anthony Oss: In general, just the fact that we had discussed it. I know it came up in a previous discussion at BZA as to, there was a request as to whether or not there was environmental insurance that they were carrying. So, I think it's just worth, it was something that we talked about.

Mike Polan: We have any updates from the other committee?

Steve Holifield: Data center? We haven't met and really until somebody comes forward with a proposed plan. I mean, we don't know what we would have to amend or change.

Anthony Oss: So, I think the one reason we wanted, and we should probably consider getting together because I think we wanted to look at how the data center and tied in with the revisions that were made for the overlay district is just to make sure that we weren't creating some sort of confusion or conflict between those two provisions.

Rita Beaty: I think it'd be worth at least looking at those two. Okay. Nothing still hanging out there that's not. Any other reports?

Mike Polan: So, other than that, a year ago, maybe longer, we started working on our new county comprehensive plan, we've had consultants working on that with us. That was paid for with a grant. The county planner was heavily involved in that. He's done a great job spearheading that and organizing everything. Several members of this commission were also on that committee. We met several times.

There were several public workshops held in different places all around the county. There was literature put out to try to get as much public input on that as possible. We even added Tony in after Harold resigned from the board. Typically, these things are updated every 15 to 20 years in a municipality. It was time to do ours. We're getting ready. We're at the end and we're getting ready to formally adopt that. And

typically, one of the things that happens after that is looking at our zoning ordinance and updating that. And I think there's been some discussion on this commission as well as at the BZA level on specific things that could be updated, language tweaked, things like that. We talked about shipping containers, chickens and animals.

Tony brought up some good stuff. So there's the whole JZO, I think, could use an overhaul. And rather than piecemeal it together with an amendment here and an amendment there, since it's time to take a look at that, we could come up with suggested edits. And then when we're ready, maybe first quarter next year or at some point, we could schedule a public hearing, which is statute, it's required by statute, get input from the public, maybe have a couple drafts, end up with something that we're happy with. and eventually pass a new zoning ordinance.

Steve Holifield: So, you're just looking at the possibility of just tweaking a few things here and there. I mean, it's been a while since it's been updated and with the with the new comprehensive plan. It was adopted in 2016. 16, so it's 10 years.

Mike Polan: Yeah, yeah, the comprehensive plan is even older than the JZO. And then our JZO, 10 years, I'd say it's time.

Steve Holifield: There's some stuff, what, in your office, are you seeing some things we should be looking at?

Mike Polan: Yeah, so I have different things that that I've come across that I would like to be have cleaned up. One of those things is sand mining and borrow pits and that language, but I think several members of this board have also brought up other things. You know, just today, Tony found links to maps and information that's referenced in our JZO, that are dead links, expired, nothing happens when you pull it up. Eric and I have talked about this, we get so many cases on shipping containers at the BZA. That is something that could be addressed at the plan commission level to alleviate some of the caseload at the BZA level. Eric, do you have anything you want to add on?

Eric Pointon: I mean, just on that one specifically, I think if, you know, the way you do some of that other stuff, if you sign off with your neighbors or send it, they could remonstrate, you know, it has to be painted the same as the house or the structures or whatever, it falls under the same existing structure. You can't have more than so many existing structures, it still has to follow all the rules. And as long as you guys say that those could follow the rules, we don't have to see one or two shipping containers every month on the BZA come through.

Rita Beaty: Like the accessory building section.

Mike Polan: Right. We could come up with a standard proper installation, foundation footings, anchoring placement. You're not going to put it in front of your house on the road that that doesn't match. We would have to come up with criteria.

Steve Holifield: Would this be time to look at we get a lot of complaints about the junk vehicles? Would that be something we could put into the into the JZO? But then we're again, like we talked earlier this afternoon, we're going to have to find some teeth to do that. And that's going to require fines or something, even if we have to, even if we have to put higher enough money coming in to cover that to have someone in your department go take care of it.

Mike Polan: Yes. One of the problems that we have with code enforcement or a lack thereof is the ordinance is old for one and the legal standing for the departments that have enforcement over that is way spread out. Like you have a noxious weed board that hasn't been convened in over a decade, maybe more than one decade.

Steve Holifield: Didn't that used to be part of the township trustees?

Mike Polan: Yeah, the trustees have the unkept grass. So there are certain cases, I'll send letters for anything, any complaint that comes in because we have a you know, say a 40% success rate at getting those mitigated without sending the punisher after them or, you know, filing court cases and things like that. I don't mind doing that, but when it comes to having legal standing for filing cases, there could be more clearly defined language as to what is the sheriff going to do? What's the health department going to do? What's the building department going to do? What's the trustee's office going to do? What is, you know, IDEM? There's a lot of different enforcement agencies, but a clearer ordinance with updated language would be prudent.

Rita Beaty: Well, when you have everybody passing the hat to the next person, too, is where we've run into so much of it that it comes back on the building commissioner.

Mike Polan: Yeah, we do seem to be the catch-all and statewide, I know, like DHS and the fire marshal's office, there's some state departments where they have less people, they've reorganized and more and more is pushed on to the local municipalities. And when that happens, it's just, you go to people that are already have a full plate and you tell them, well, now you got this duty and this duty and this duty with no protocols, no SOPs, no resources.

Rita Beaty: Makes it difficult for all of them.

Steve Holifield: Pays without funding.

Rita Beaty: So, we have a lot to look forward to for next year, sounds like.

Steve Holifield: Well, this is when you guys went to the two acre and then we've gotten away from that because there's a lot of places in the county. They got a yard up front they mow and then you got an acre and a half in the back that's weeds or you've got the people that put a couple of ponies out there and they're eating on bare dirt. And didn't we adjust that a few years ago where they had to have minimum 6 acres for horses?

Rita Beaty: Went to three.

Steve Holifield: Three now, okay. So would this be something to look at, even 3 acres, I mean, one horse, 3 acres isn't going be much for them.

Mile Polan: I think that all of the language that involves animals, from chickens to horses to anything. I think that it should be reviewed, discussed, have different viewpoints into it, and then we come up with a consensus and vote on it.

Rita Beaty: We finally created that because when we did that originally, we had nothing for animal ordinance. So that was what, and we kind of took from the other counties that were joining us, but they had some 20 acres. So we tried to compromise. And we went with three acres because of the 4-Hrs to try to accommodate some of the families that were looking at 4-H. So, that's why we squeezed that.

Mike Polan: And if we are seeing problems with that, it doesn't necessarily mean that we have to change the acreage, but we could add criteria to address the problems that we've seen with it. And I think the other thing you brought up was the two acres, and that was reduced to 1 acre. That happened before my time, but I think I am aware of that. I think it was in the 2012, just the property for residents.

Rita Beaty: It used to be the two acres, but now we went to one acre with 200 feet of frontage. That's what we switched to when we did that.

Mile Polan: We get plenty of those at the BZA for variances, reduction of frontage.

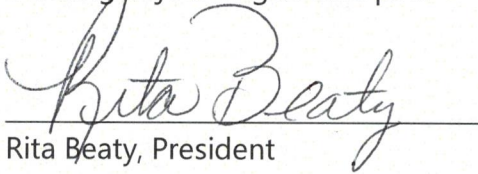
Rita Beaty: Alright, anymore old business?

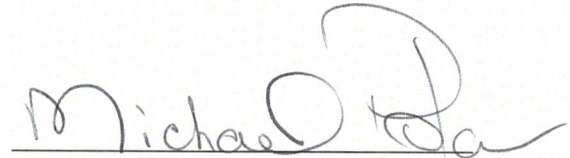
Motion to adjourn.

Steve Holifield: Motion to adjourn.

Eric Pointon: Second.

Motion approved and carried 7 to 0.
Meeting adjourning at 6:22 p.m.


Rita Beaty, President


Michael Polan, Recording Secretary