LAPORTE COUNTY
BOARD OF ZONING APPEALS
Government Complex, 5th Level
809 State Street, Suite 503 A
LaPorte, Indiana 46350-3391
(219) 326-6808, Ext. 2591, 2563 & 2221
Fax: (219) 362-5561

Michael Polan
Building Commissioner

October 20, 2026

Dear Members:

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

Members Present: Melissa Mischke, Ernie Schmidt, Jeff Baltes, Anthony Oss, Eric Pointon

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

The Pledge of Allegiance.

Melissa Mischke: Can I get a motion for the approval of the September 15th meeting minutes?

Eric Pointon: I make a motion to approve them as presented.

Ernie Schmidt: Second.

Melissa Mischke: I have a motion and a second, and I want to say thank you, these were very good, detailed minutes. So thank you, guys. Motion and a second.

Motion approved and carried 5 – 0.

Melissa Mischke: Okay, before we get into petitions this evening, I want to remind everybody in the audience to silence your cell phones and that this board does not have public comment. We do have a time when you can speak in favor or against a specific petition and you'll get 3 minutes to do that.

Okay. So with that, let's start with petition number one. Are the McDermott's here? Very good. If you'd like to come forward.

1. **Petition for Variance of Developmental Standards for Seamus and Emily McDermott and John and Mary McDermott** for a 15' (fifteen foot) front setback instead of the minimum required 25' (twenty-five feet) to construct a new home. This property is located at 125 Judson Road, LaPorte, IN, Center Township, Parcel ID No. 46-06-22-376-011.000-042, zoned R1B.

Attorney Voeltz: Madam President, this petition was tabled from the September meeting. Notice was adequate for the September meeting; therefore it is adequate for this meeting.

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

Emily McDermott: Emily and Seamus McDermott, 125 Judson Road, LaPorte.

Melissa Mischke: Okay, Emily, I have to be honest with you. I forgot your paperwork because it was last month. So why don't you refresh me what you're going to build a house with this setback?

Emily McDermott: We're going to build a house. This is where the existing house is. This house is going to be a little bit larger and it's going to be located a little bit further this corner. So we are requesting for our driveway to be like approximately 25 feet.

Melissa Mischke: Would you let us take a look at that? A sketch, it's fine. Thank you. Tony, you're always prepared. Thank you. I have this big stack of paperwork. None of it was, I thought it was in there.

Tony Oss: You want this?

Melissa Mischke: Okay. So now that we all have had a chance to review it again, explain to me again, you want this side setback?

Emily McDermott: We understand the way that the setback is measured. We originally understood the setback is measured like from, you know, pavement. So we want the driveway to be 25, 30 feet approximately. We understood from our builder that the way that that setback is measured is that technically we need to have this variance approval.

Melissa Mischke: Because it's less than 25.

Emily McDermott: Correct. Yes. So that's what we want. And everybody on our street also has, except for his parents who are also on our street, but everybody has, you know, approximately 25 feet or even shorter driveways. So it's consistent with, you know, everybody else on the road.

Melissa Mischke: Well, let's see if we have any remonstrators tonight for this petition. Is there anybody here for or against petition number one? Anybody for or against petition number one?

Okay, so you said you wanted to add something else. It's not just the setback.

I need you to get on the microphone so we can get you on the record.

Emily McDermott: I don't know if it's required to be approved or not but we were thinking if the budget allows, we would add a small deck on that grass part.

Melissa Mischke: So I'm going to tell you right now that you probably should just get with the building commissioner's office on that, because if it were to change the variance that we have in front of us right now, we'd have to re-advertise, table, and wait another 30 days minimum before we can do any of that. So I think that you really just want to get in touch with Mr. Polan's office and talk about the requirements for a deck.

Emily McDermott: Okay, fine.

Melissa Mischke: Okay, what kind of questions do we have as a board?

Ernie Schmidt: How much room are you going to have for parking up front?

Emily McDermott: I think it will be like around 30 feet.

Ernie Schmidt: From the edge of the road?

Emily McDermott: From the edge of the road.

Ernie Schmidt: Thank you.

Tony Oss: Specifically, your request was to reduce the front setback to 15 feet instead of the minimum required 25, which obviously is from right away, not from the road line. So you have an additional 10 feet there from actual pavement. I'm just, I'm clarifying exactly what you've asked for. You've asked to reduce from a 25-foot setback to a 15-foot setback. I would agree looking around it looks like the neighborhood is similar. I also would mention, what's the back of your property like? What's the terrain like at the back of the property?

Emily McDermott: It flattens out and then there's a retaining wall to a steep slope down to the lake.

Tony Oss: So it drops off pretty significantly at the back of the property.

Emily McDermott: Correct.

Tony Oss: Right. Okay.

Melissa Mischke: If there are no further board questions, I'll entertain a motion.
And please remember to state your reasons.

Tony Oss: I make a motion to approve the developmental variance of a reduction in the front setback to 15 feet. Based on the fact that the petitioner has met the standard requirements of approval standards for developmental standards variants.

Eric Pointon: Second.

Melissa Mischke: I have a motion and a second. All those in favor say aye. Aye. Those opposed, same sign.

Motion carried and approved 5 – 0.

Good luck. Thank you.

Emily McDermott: Thank you.

Petition #2 is a Variance of Developmental Standards for Angelo Karagiannakis for construction of an accessory structure 2000 (two thousand) square feet instead of the maximum 800 (eight hundred) square feet to be used for his wife's caretaker. The property is located at 3812 North 600 East Rolling Prairie, IN, Wills Township, 10.297 acres. Parcel ID No. 46-07-13-200-017.000-068, zoned R1B.

Attorney Voeltz: Madam President, this is another petition that was originally set for the September meeting. It was voluntarily tabled by a petitioner. However, notice was adequate once again for the September 15th meeting, so it is adequate for this meeting as well.

Melissa Mischke: Okay, great. Thank you. Would you state your name and address for the record, please?

Angelo Karagiannakis: Angelo Karagiannakis, address 3812 North, 600 East, Rolling Prairie, Indiana.

Melissa Mischke: All right, so your wife has a caretaker?

Angelo Karagiannakis: So she has early onset of macular degeneration. Her mom had it and started losing her vision in her early 50s. Her grandfather lost it completely when he was 70. So her half-sister, is probably going to be like a caretaker for her. So we're trying to get her close now. You know, if something happens. We have got 2 little boys, six and five, so you never know. You never know, when or how aggressive it is or not, that's what we're asking for.

Melissa Mischke: Okay, so how many structures are on the property currently?

Angelo Karagiannakis: There's the house on that one, because there's two parcels, but they haven't put them together yet, so it should be a total of 13 acres, I think. The one parcel has got a barn on it and the one's got the house on it.

Melissa Mischke: So it doesn't look like the combined has happened yet.

Angelo Karagiannakis: Yeah, so this parcel I think it's got one on it.

Melissa Mischke: Okay, just one structure. How much road frontage is up there?

Angelo Karagiannakis: At the front of on 3812 on the front of my house?

Melissa Mischke: At 400 North.

Angelo Karagiannakis: 400 North there's only I think like 25 or 35 feet. But she'd be coming in off of 600.

Melissa Mischke: No, I just want to make sure. How long have you owned the property? Six months. Okay, I feel like I've seen this property before. That's why I'm asking. Like I was concerned about access. Okay.

Angela Karagiannakis: No, we can access road. That frontage road is also mine. But she would access from the front from 600. Do you need to see a picture?

Melissa Mischke No, I'm just trying to see. So she's going to be north of your existing home?

Angelo Karagiannakis: Yes.

Melissa Mischke: Let's see if we have any remonstrators tonight. Is there anybody here for or against this petition? Anybody for or against petition #2? One last time.

Okay, board, let's see what we have to for questions. I know you're going to have good questions, Tony. That's the problem.

Tony Oss: OK. So I was a little confused by the parcel situation and I don't know what's going on. There seems like there's two parcel numbers that cover this property. Is that true? And I just wonder whether that matters, maybe it does or doesn't.

Melissa Mischke: Well, I don't.

Michael Polan: There's a couple things. There's another parcel. The two parcels have not been combined yet. They originally filed for a different variance and throughout the process decided it would be better to approach it this way, which was amended, re-noticed, and that is what is being presented before you now.

Tony Oss: I mean, that was kind of my next question was that the original petition was a little different. A little different approach.

Melissa Mischke: Yeah.

Tony Oss: Is there anything else extraordinary or odd or unique about the property as to why we understand it's a size situation? It's just the size that we're kind of looking at. I think you're allowed an accessory dwelling unit up to 800 square feet, but this looks like it's about the same size as the house.

Angela Karagiannakis: It's a little bit less. So it's a Rochester home, a prefab home pretty much to set there for her now.

Tony Oss: What would be your long-term plans going forward? I mean, whatever happens, you're going to stay there for the rest of your life?

Angelo Karagiannakis: Yeah, I'm staying there the rest of my life.

Tony Oss: There's a parcel that ends up with two homes on it.

Angelo Karagiannakis: What do you mean?

Tony Oss: Well, that land then has two homes on it. So like, what's the long term?

Angela Karagiannakis: I mean, I'm keeping it. That's where I'm staying. So yeah, we moved from Porter County to here. This is where I wanted. And I talked to my wife about it yesterday. I go, listen, I'm never moving again. I said, unless I hit the lottery, I'm not moving. If I do hit the lottery, I said, I'm still not moving. I said, so that isn't going to happen. So, she works in South Bend and it's closer for her. And we decided, you know, we like the schools, we like the areas, you know, we have family out here. So, that's why we came out here. So, and that's the same with her sister.

Melissa Mischke: If you could not place the second residential structure, would it create a difficulty for your wife?

Angelo Karagiannakis: In the longer run, I mean, it depends how quick the macular generation would set in or not. You know, I don't know. Like I said, her mom in her early 50s, she started getting the shadows where she was starting to lose. They didn't want her to drive. And then her grandpa went completely blind at 70 from it.

Melissa Mischke: Okay.

Angelo Karagiannakis: I'm not sure. She's 38 years old right now. You know, two little boys, six and five, so.

Melissa Mischke: Jeff, do you have any questions? Ernie? Eric, do you have any questions?

Eric Pointon: I was just trying to figure out what on our map, you're saying it's 13, so you own another one of these two-acre parcels front.

Melissa Mischke: Oh, then the combined hasn't gone through.

Angela Karagiannakis: Right.

Melissa Mischke: So it's still the 10 acres that we're talking about.

Tony Oss: So like the GIS map shows one box, but there's 2 parcel numbers, they just haven't merged parcel numbers. It is going to be 1 lot.

Melissa Mischke: It's what you see right now.

Tony Oss: There's just some inconsistency in what's happening online, right?

Angelo Karagiannakis: I don't know how long that takes either. I'm not familiar with that.

Tony Oss: Yeah, I don't either, doesn't matter.

Eric Pointon: Well, I was just curious if it was like this one that opens up more from there or whatever, but it doesn't matter either, so.

Melissa Mischke: I don't think any of the things that you're thinking are going to have a huge swing one way or the other. So if there are no further questions from the board, I'll entertain a motion.

Ernie Schmidt: I'll make a motion that we approve this application as petitioned. And the requirements are for healthcare for a family member.

Jeff Baltes: I'll second that.

Melissa Mischke: I have a motion and a second. All those in favor say aye. Those opposed the same sign.

Tony Oss: No

Petition passes 4 - 1.

Melissa Mischke: Good luck. Get with the building commissioner's office and see what your next steps are.

Angelo Karagiannakis: Thank you very much.

Petition #3 is a Petition for Variance of Developmental Standards for Kevin D. Harness to construct a second accessory structure using two (2) shipping containers, to be constructed on the side of the home located at 7383 West US 20, Michigan City, Coolspring Township, 1.481 acres, Parcel ID No. 46-05-02-251-004.000-046, zone B2.

Attorney Voeltz: Madam President, notice is adequate.

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

Kevin Harness: Kevin Harness, 7383, US Highway 20, Michigan City.

Melissa Mischke: So Kevin, do you already have the shipping containers?

Kevin Harness: I own one. It's over in Porter County, at my parents' house. I was planning on buying a second one.

Melissa Mischke: And the intention here is to use this as storage?

Kevin Harness: Storage, yes. I'd like to put a little shed lean-to off the side. The picture that I originally found is probably in front of you. That's a little big, way bigger than what I was looking at. Just like a shed roof off the side, just to put like a tractor alongside, some implements and stuff, three-pointed points for a tractor. It's not a big ag piece; it's just a decent tractor I want to keep protected and then for me to keep out of the weather. And the other container will have a little boat in it in the off season.

Melissa Mischke: What size are the shipping containers?

Kevin Harness: Two 20 (twenty) footers.

Melissa Mischke: Okay.

Kevin Harness: I think that picture is kind of based on the 40s. It didn't really say. Just looks way bigger than what I want.

Melissa Mischke: Let's just see before we get too into it. Are there any remonstrators for this petition? Anybody in favor or against it? Any remonstrators. So I see your drawing's not quite to scale. It's going to go over to the right of your driveway.

Kevin Harness: Yes, between me and the mini golf course.

Melissa Mischke: What kind of questions from the board? I just look this way naturally. What about you guys?

Tony Oss: Okay, I got a few.

Melissa Mischke: I knew you would. Go ahead.

Tony Oss: So right off the bat, this is zoned B2. So I guess I'm going to get in the weeds a little bit here with Mr. Polan. Would this be considered at this point a non-conforming use as it is?

Michael Polan: Yes.

Tony Oss: Okay. That brings about a challenge there because you're zone B2, it's a separate article in the JZO and the zoning ordinance, your zoned business. And there are provisions in there that state that you can't put anything up. So we have to discuss whether or not we, I guess I have to, we have to get to the point of giving a variance to that provision as well as just a shipping container provision. I had a question about what was going to get stored. You answered that. Is there anything unique or exceptional about your property that sort of makes it a little bit different that would preclude you from, say, just building a pole barn?

Kevin Harness: So, all right, so if I did build a pole barn, I'm kind of worried about the natural tree line between me and the mini golf course. It is kind of nice to not have the visual of staring at them as they're golfing. So I wouldn't want to put up a pole barn and of course have to dig it on 4 feet and all that, and then end up, you know, hurting some of the roots for the big trees right through there. So I'd rather just kind of have something a little more temporary look. I know you can't vote on it on future things, but I mean, I'm kind of thinking I'll probably take them with me when I move eventually.

I don't know if I want to die on Highway 20. It's kind of loud right through there. Quite honestly, the steel haulers are a little loud going up the hill. But it'd just be nice to have some storage for the likes of the boat and the tractor, something mouse proof and snow proof. You know, and I know shipping containers are kind of ugly. You know, I admit that, even though it's just a wall, but I mean, nobody likes corrugated metal, really, I guess. So, I could put, if it's a visual aspect of like, you don't see them from the road or any other kind of back from the road, but I could put like barn metal up the side to make it look like just like a pole barn, so it doesn't look quite as hideous.

Tony Oss: Okay.

Kevin Harness: So, like I said, I'm not looking for that great big roof that you guys got in front of you. I'm just looking for something quite a bit smaller than that.

Tony Oss: But you would put a roof, you would have the shipping containers and then some sort of structure spanning.

Kevin Harness: Like a shed roof over the top to stick out maybe another four (4) or six (6) feet. I don't really want to put like other posts to support that roof, so it's just kind of something small.

Tony Oss: And we're not going to get into the weeds here. This is a building commissioner issue, but there's obviously provisions.

Melissa Mischke: Right.

Tony Oss: If you would have to meet as far as, you know, with the structure and all that, but Mr. Polan would have to approve all that as far as drawings would be concerned. Especially when you're using them as part of a structure, you're not storing, you're not technically storing shipping containers, you're actually using them as part of a structure.

Melissa Mischke: So they would be subject to the building commissioner's office on structure.

Tony Oss: So at that point, we're really looking at us and you have another accessory structure out there now, right? You have a small garage in the back. So this is a second accessory structure that just happens to be using shipping containers as a structural component.

Kevin Harness: Exactly.

Tony Oss: Understood. I guess the last question I had. Sorry, I think the side set back in B2 is twenty (20) feet. I'm not sure if I remember what your drawing showed. You showed ten (10) feet. My right-side set back in B2 is twenty (20) feet. I think. Yes, that's what I wrote down. B2? Yes. I believe the side set back in B2 is twenty (20)feet. Would that be acceptable or do you need the ten (10) feet?

Kevin Harness: I could probably work with twenty (20) feet. If that's all I got, But, ten (10) feet would be nice, but if it has to be twenty (20) feet it has to be twenty (20).

Tony Oss: OK.

Michael Polan: Ten feet is fine.

Tony Oss: Is it? OK. I don't have any more questions. Thank you.

Melissa Mischke: Eric, do you have any questions?

Eric Pointon: Really, I've found this argument for several years now, but our biggest issue is just that since it's a B2, that's what we're talking about is having the second accessory structure more than the way you're building it.

Melissa Mischke: Okay, so there's no remonstrators. If there's no further questions, I'll entertain a motion.

Ernie Schmidt: I'd like to make a motion that we allow this variance. And with the construction to blend in with the other buildings, so when you go by on the highway, it's not an eye sore, like we talked about when we were out taking pictures.

Eric Pointon: I second that.

Melissa Mischke: I have a motion and a second. All those in favor say aye. Those opposed, same sign. It passes 4 to one. Make sure you get with the building commissioner's office. Thank you.

Kevin Harness: Thank you.

Petition passes 4 - 1.

Petition #4 Petition for Variance of Use for 421 Westville LLC (Bob Kiger) for construction of two (2) fifty foot by two-hundred-and forty-foot (50' x 240') and one (1) fifty foot by two-hundred-foot (50' x 200') accessory buildings for commercial and retail business. This property is located next door to 5102 South Highway 421, Westville, IN, New Durham Township, 3 acres, Parcel ID No. 46-09-32-200-004.000-027, zoned R1A.

Attorney Voeltz: Madam President, notice is adequate.

Melissa Mischke: Very good. Would you please state your name and address for the record?

Bob Kiger: Bob Kiger, 754 South Forrester Road.

Melissa Mischke: Bob, this is the storage unit area?

Bob Kiger: No, this is where the mobile home park. Yeah, we got the variance 3 years ago. Well, for the prison for workers for the union.

Melissa Mischke: And that's not going to work out?

Bob Kiger: No, there wasn't enough to justify it.

Melissa Mischke: Okay. So we've shifted gears and we're going to do some business.

Bob Kiger: Correct. We own the Westfield Storage also up there just north of it. So we want to build bigger units like the ones in downtown Westville and there's some on the East End of the La Porte. So these will be three (3) buildings, fifty by two hundred and forty (50' x 240') and fifty by two hundred (50' x 200'). We'll divide them into fifty by forty (50' x 40') or two thousand (2,000), four thousand (4,000), six thousand (6,000) square foot units with twelve by fourteen (12' x 14') overhead doors and a three (3) foot service door. And they will be able to have their own electric service to each one and a furnace and a small bathroom. I think you have a print out of the elevation.

Melissa Mischke: You're going to have lights out there?

Bob Kiger: There'll be lights, yes, exterior lights on the building, yes.

Melissa Mischke: Is it going to be gravel?

Bob Kiger: It would be millings. We have two entrances there. We will be closing on the north one. I think there's a floor plan or a layout on that one. So there'll be just three (3) buildings and it'll be only accessible from one side of each building with the overhead doors.

Melissa Mischke: And you're going to be able to keep all of your stormwater on that parcel?

Bob Kiger: Yeah, I have one from Hendricks. He's already got it designed with stormwater and everything.

Melissa Mischke: Let's see if we have any remonstrators, Bob. Is there anybody for or against petition #4? Anybody for or against petition #4? Hearing and seeing none, what kind of questions does the board have?

Jeff Baltes: I don't have anything right now?

Eric Pointon: In the three (3) buildings, how many individual businesses?

Bob Kiger: So if we do the two hundred and forty (240) building, we're going to plan up to six (6) openings. So six (6), and then the two hundred (200), so there'd be fifty by forty (50 x 40). But if somebody comes in and wants to rent, you know, fifty by eighty (50 x 80), then we wouldn't put a dividing wall. The two hundred and forty (240) buildings will have six (6) garage doors, the two hundred (200) foot building will have five(5). So that total max would be twelve (12) and seventeen (17) if we did all three (3) buildings.

Eric Pointon: Okay, so I guess I have a question for you two guys. As a business comes in, how do you, if a business needs a variance to have a business there, how do you do that when you have a potential for twelve (12) businesses at one place?

Michael Polan: Well, I instructed this petitioner to list all of the potential types of businesses that could be leased to.

Eric Pointon: Right.

Michael Polan: So that you could be part of the request or the motion or condition of any approval.

Eric Pointon: And if it's outside of that, then they'd have to come back before the JZO.

Bob Kiger: Yeah, we're not going to allow any automotive repair and stuff outdoor storage type situations. Did you get the list?

Eric Pointon: Yeah, I had to look through that list already.

Melissaa Mischke: Yeah, Westville's already been down that road. Repair shops just south of you were an issue with outdoor equipment. Think about looking like you don't know what I'm talking about. Yeah, IDEM had been out there.

Bob Kiger: Yeah, we are corrected though.

Melissa Mischke: You're all looking at me like I'm crazy right now. I am not. I know exactly what I'm talking about.

Eric Pointon: So then signage is obviously a thing. So signage on 421 saying what this is and then signage on each of those buildings for their individual business.

Melissa Mischke: Do you have a plan for signage? Is that something you had talked about?

Bob Kiger: Yes and no, but I would too. I think what we could do is put it on the building itself versus a separate one, but I wouldn't mind having a variance or permit for a four by eight (4 x 8) just as the name of the park or whatever with the address on it. But I think the individual signage might do on each gable end because they'll be facing 421. Then we'll have unit numbers. So that might be us. We could do it that way. But maybe just at least give me something like a four by eight (4 x 8) sign lighted on the front for just the name of the park with an address and stuff like that.

Eric Pointon: Okay.

Bob Kiger: Because that block building that's out front there, I don't know if you guys saw it, it'll be, that's sealed water well and everything, but that'll be torn down. So that's probably where I want to sign each one.

Melissa Mischke: What kind of hours are you thinking overall for this?

Bob Kiger: That's, you know, depends on what comes in there, obviously.

So I really don't, I don't think it's going to be a 24/7, but there might be people in and out of there on Sundays. I mean, that's something I can't control. It's kind of, you know, up to them what they do there. So I don't have a good answer for it, but I would think 7 a.m. to 7 p.m. on the average. Like I said, it's all dependent on which, what goes in there. We have spoken with the only neighbor and he's okay with it. We just spoke to him this afternoon, actually, but we would be respectful of that, obviously. But it is in a prison right behind it and then south of us is and then Coulters across the street and all that. So it is an existing business area that's seven days a week.

Melissa Mischke: Tony, what kind of questions do you have?

Tony Oss: A use variance is a large step, and it constitutes us granting permission without being able to rely later on the provisions in the zoning ordinance. This parcel is zoned residential right now. Am I correct? Part of having a properly zoned parcel that defines the uses of that land also defines all sorts of other things. Like it would define what your signage regulations are and it would define your access. Obviously, you're going to have to have some access that's going to have to get worked out through INDOT.

Bob Kiger: Correct.

Tony Oss: And there are certain provisions to grant a use variance that, you know, I kind of feel that I have to ask you. I mean, is there some condition peculiar to the property that makes you need this variance?

Bob Kiger: Well, it was a trailer park for sixty (60) years.

Tony Oss: Okay.

Bob Kiger: So, I mean, it's been a business for years.

Tony Oss: OK, but . . .

Bob Kiger: I'm just stating the history of it to answer your question, sir. It's always been a business. We got approval for the RV park three years ago from this board to do another business there. And then we decided to go this route. So, I mean, it's been a business for that long. So that's all.

Tony Oss: Those are both residential uses. Well, while rental, they're residential uses. And we're talking about, and I see the list. And I'm just at the list that you sent, you know, you do include minor automotive service and repair, the machine, sheet metal, but I see on the list.

Bob Kiger: That was a list that was just coming from the county, yes.

Tony Oss: And we've run into some hurdles in similar situations before, which make me just on the automotive pause. I guess the second question I would ask here too is...
I mean, if you, if the strict application of the zoning ordinance, which would mean that you have to remain a residential property, does that constitute an unnecessary hardship to you? And that's part one of the question. Part 2 of the question would be, why not attempt to rezone? Would you be open to pursuing a rezoning? And I know that maybe Mike has directed you, but if this property was zoned as a business parcel, it would be different. But that is a different pathway that involves a different group, a different step, a larger board.

Bob Kiger: But that's what I thought the BZA was.

Melissa Mischke: We don't rezone parcels.

Bob Kiger: I understand that, but you give me the variance to zone it.

Melissa Mischke: No, we give you a use variance. You get permission to use it differently than it is currently zoned.

Bob Kiger: We bought it as the potential of a business. We paid decent money for it. So I mean, it's not something we could change into residential as far as economically on our end of it. So that's the best answer I have. I mean, it was a business forever being run as a business residential, as you say, with mobile homes. Then we got the permission to do the business, the RV park. So this is why we decided to do this because it does have water and sewer from Westville and we have, you know, we can hook up there and it's got nice flat ground and this justifies, in our opinion, to put the buildings there because there is businesses across the street, both north and south of it and then with the prison behind it.

Tony Oss: No, no, I appreciate the situation you find yourself in.

Bob Kiger: That's the best answer I got for you.

Tony Oss: And I get it. I appreciate them. That's all you can give us.

Melissa Mischke: I kind of would like to see this list of potential. I still think that's a really giant list. I don't know about. I feel like scope creeping is what's going to happen here. You know, we have listed minor automotive service and repair, and then the next thing you know, we've got a Johnson Road on our hands. And, you know, you can tell us that all you want. That same group of individuals indicated to us, oh, no, this is exactly what we're going to do and it doesn't turn out that way. So I'd like to see this list adjusted.

Bob Kiger: So could you suggest a couple you'd like to take off, and I would, I mean, again, if it's like you had on Johnson Road, that's not going to turn into this, but I understand your point.

Eric Pointon: So, you're going to have like set your own lease or whatever with these people, you're going to have all these things and then you are going to legally enforce it if it turns into that situation.

Bob Kiger: Yes, sir. So, we would love to be just, again, I clicked on a list of options that was on the county website or, you know, available, but really what I'd love to do is to see if either contractors or a small you know, storage facilities, electrical contract, whatever that is to store stuff inside. There will not be allowed stuff to be sitting outside as far as that goes. There will be a parking of fifty (50) feet in front of the building for each unit, fifty by forty (50 x 40), give or take, and there'll be some more on each side. But then, so no, there won't be any outside storage, overnight, or stuff like that.

Melissa Mischke: But truck rental is one of your items on this list. So, there would be vehicles on site outside.

Bob Kiger: I totally understand where you're going, so we could definitely cross that off. It was kind of a click and place.

Melissa Mischke: I understand that.

Michael Polan: If I can go ahead, I can just jump in.

Melissa Mischke: Yeah, please.

Michael Polan: When we originally received the petition, I felt that it was too generic on the face of it. And I instructed the petitioner to come up with a list of potential businesses and to add more than not enough so he didn't have to come back and restrict himself. So that's where, and the list came from the use table and the JZO, that's how he got all this. I recognize the list, I guess. And it's at within the purview of the BZA as a condition of the motion to restrict from that list if you decided to strike some of them.

Tony Oss: I mean, my challenge here is to say, gee, we could grant you a use variance with a condition that you meet everything in the JZO for B2. But that puts us into a bind later on, potentially. The problem is, is if we grant a variance without conditioning it on something else in the JZO, we tend to leave something out, which is the problem that has happened in other parcels like this, where we could say, yes, you can have a, for an example, an automotive service center, but then we don't specify particularly all the rest of the details that are in the JZO, which is part of the reason that the JZO structure is there, which is where that's the challenge I have right now is I feel like if we if we granted something based on a use table, we also need to grant it based on setbacks and everything else. Everything else that applies, yeah. I don't know, Mr. Voeltz sounds like you have something to offer.

Attorney Voeltz: Madam President, the direction that the petitioner was given by the building commissioner's office was to be all inclusive as to what uses could potentially be available. So therefore, he's at the highest level of what he would be potentially allowed to use on this property. He's indicated a willingness to whittle this list down, which doesn't run into a problem as far as an amendment of this petition, because you're taking things away. It's not that he's adding things now that were not part of the petition already. So, if the petitioner would be so bold as to start striking items from this list, and that Mr. Oss indicated that is certainly one of the discretionary items that's available for this board in the granting or in the granting of a variance with conditions.

Eric Pointon: So, we've seen these, like there's others like this, obviously, right? A lot of those, or some of them, several, anyhow, get rented by like an individual as their own personal repair shop. So, if you strike repair shop and then an individual who has race cars, but they can't have them at their house rents one, and how does that? That's just an individual who rents it and works on his own cars? I don't want to strike a repair shop and then.

Bob Kiger: So, on that point, as long as he keeps everything inside the building, because like that, I would agree. So back to your point. So, if I rent it to say, it said pest controls, if they park have one of their work vans, they park it outside at night, that would be the only thing I would consider to leave outside. And to your point, then no, I can be glad to strike.

Eric Pointon: I don't want to restrict you. I like the idea. I really do. And I see a need for it, especially in that part of the county. Its just other people ruin things for other people. So that's where we're at right now. And that's all the time. And Rita is looking at me. She's going to yell at me if I do something wrong after this. As soon as this is over, she's going to yell at me.

Melissa Mischke: So, Bob, how would it be if we tabled you? Is it going to create a hardship if we do, because you've already started?

Bob Kiger: Well, we have architect plans and going to state and everything.

Melissa Mischke: But I really am concerned about it, and it kind of goes back to those hours of operation too. I feel like we can say, these are the hours of operation. And these are the types of activities we want to go on there. And you're saying, no, I'm going to let my renter or whomever decide their hours. And I'm saying, no, I don't think we are. So, I'd like to be able to have some time to look through this list a little bit more. Maybe you think more about your list and say, yeah, I could live without that. Or I mean, I don't want to sit here tonight and spend the next 30 minutes of me going through this list and saying, what if? And we negotiate it line by line. That's not what I want to do.

Eric Pointon: What were you going to say, Andrew? I was curious.

Tony Oss: Well, I would, I would echo those same comments, I could completely appreciate what you're trying to do and I appreciate the need for what you're trying to do. This is really more of a procedural question. Unfortunately, we've found ourselves in a bind because of other people who have taken advantage of a process. I guess whether it's procedurally through staff or whatever you want to do. I would seriously encourage you to at least look at it. I mean, what you're looking to do is rezone this through a use variance. That's what you're asking for.

Bob Kiger: So, let's do hours-wise, Monday through Friday, 7 a.m. to 5 p.m., and then Saturday 8 a.m. to 1 p.m. I mean, I understand your point, but unfortunately, timing with winter and everything coming on, I mean, obviously, I would love to get approval tonight so we can get started, but I can answer some of your questions and we can definitely take out a few of your concerns tonight so we can possibly move on with this.

Michael Polan: They can always come back if a unique situation occurs where they want to lease and it's above and beyond what is approved here, they can always come back.

Eric Pointon: We could approve the use variance, and be able to build and with a sign all these things.

Michael Polan: And with the hours that are proposed, and if a tenant needs hours outside of that, they could come back, or if it's a use outside of what uses are permitted, they could come back. That's an option.

Jeff Baltes: Yeah, but do we still need to whittle this list tonight then on the use thing?

Eric Pointon: Your concern is 7 a.m. to 7 p.m. You don't like that?

Melissa Mischke: No, no, I'm not saying that. I'm saying it might be appropriate for a mail order business to be open longer than 7 to 7.

Eric Pointon: Well, as I say, I wouldn't take the time frame down, especially if you rent it.

Melissa Mischke: Some may need it.

Eric Pointon: If I rented it as a person.

Melissa Mischke: That's what I'm saying.

Bob Kiger: Yeah. Then if it wasn't time...

Melissa Mischke: I'll be honest, my preference is to table this. I didn't create a hardship. You have other businesses. I understand that this would put you behind a month but that's my preference. I don't know that I think this is a well thought out plan of what's going to go in there and what kind of hours we're talking about.

Bob Kiger: May I ask what is the item that you'd like to table it for?

Melissa Mischke: The hours and the business types.

Bob Kiger: The hours I can, again, like I said, to stay, we can stay.

Melissa Mischke: And I wrote that down.

Bob Kiger: Okay.

Melissa Mischke: But I really don't want to spend the next half hour going line by line through this list.

Bob Kiger: So, okay, but the really the only major one is the automotive.

Melissa Mischke: That's the one that I voiced an opinion on.

Bob Kiger: I'll tell you right now, there will not be any automotive then. If that takes care of your concerns, I'd be glad to state that on the record tonight.

Melissa Mischke: Do you guys have any further questions?

Ernie Schmidt: I don't want to see you lose the business because you decided tonight at 7 to 7 and the dance studio has to have it from whenever school's out till 9 o'clock at night. I don't want to see you lose your business.

Bob Kiger: I understand that, but I think 7 p.m. is long enough for something like that even.

Ernie Schmidt: That's what we're trying to say. We don't want to see you lose your business.

Melissa Mischke: I just don't want to rush through it.

Eric Pointon: To Mike's point or Andrew's point, they could come back and get their own variance as well. The dance studio could, if they need Saturday, Sunday hours.

Melissa Mischke: And I will entertain a motion.

Eric Pointon: I will make a motion to approve this with 7 a.m. to 7 p.m. Monday through Friday. And 8 a.m. to 3 p.m., 8 a.m. to 4 p.m. on Saturday, and 8 a.m. to 4 p.m. Sunday. With a four by eight (4 x 8) lighted sign, one entrance, and anything outside of this scope has to come back before the BZA for approval. No automotive repair shops. No outdoor parking unless it's a business and one shop truck or business vehicle. Any and all lighting needs to be kept in as much as possible inside your property to help your neighbors.

Jeff Baltes: I'll second that.

Melissa Mischke: I have a motion and a second. All those in favor, say aye. Those opposed, same sign. Okay, good luck. Make sure you work with Mike's office.

Bob Kiger: Thank you.

Petition passes 3 -2

> **Petition # 5 is a Petition for Special Exceptions for Donald A. and Richard W. Wolff** for an installation of a 195' (one hundred ninety-five foot) communication tower in an Ag field. This property is located behind the homes of 11 and 215 Union Street, Union Mills, IN, Noble Township, 29.45 acres, Parcel ID No. 46-14-09-304-013.000-056, zoned R1B.

Melissa Mischke: Petition number 5, are you here? You don't look like Donald or Richard Wolff. We'll see if you're advertising as adequate.

Attorney Voeltz: Madam President, notice is adequate.

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

Royce Low: My name is Royce Low. My address is 216 Barton Avenue, Terre Haute, Indiana, 47803. I'm here on behalf of Chaille Tower Consultants and APC Towers, and the landowners, Donald and Richard Wolf, which you correctly identified me as not them. Donald, I don't think is in a situation where he could attend. And Richard is hard at work and could not get out to be at the meeting, but did send his greetings with me by text.

Melissa Mischke: Thanks. And just for the record, we do have other remonstrants on this petition written, correct? I thought it was this one. Okay, never mind. I'm just not on my A-game, it looks like, tonight.

Melissa Mischke: If you'll give us just a minute to regroup, I appreciate it. And for anybody watching at home in the Union Mills area, I just want to mention that these orange signs are placed out there for the purpose of the board members to locate properties. So, when we ask a petitioner to put a sign up, it's not for everyone in the neighborhood necessarily. It's for the board members to find that parcel in case there's not a physical address for it yet or things of that nature. So just to clear that up. All right, let's see what you got.

Royce Low: I typically like to go through our process really quick, just so the board understands how we get to the decisions of what we want to apply for. In this case, Verizon Wireless identified a service gap in Union Mills and to the east of Union Mills. and contacted APC Towers and said, hey, we need you to build us something to host us there so that we can improve our coverage in the area. APC Towers contacted my company and said, hey, go research the area, research the ordinance, try to find something that makes sense, but oh, by the way, make sure there's not some tower already there that is going to be a competitor of ours right away. And so, we went out, did the property research, sorry, and looked at parcels, researched the ordinance, But also looked at the existing towers that were within 3 miles of the proposed area of coverage.

Melissa Mischke: What is the nearest tower? How close is the next nearest tower?

Royce Low: About 2 1/2 miles, I believe. Okay. And there's two (2) of them within those three (3) miles. Verizon's already on the one to the northeast. The other one is just so close to that one, it's going to cause interference. And additionally, it's not going to cover the service gap. And co-locate,

Melissa Mishcke" I can take any off of your plan. So go ahead. Keep going.

Royce Low: the next thing we do is we look at the ordinance and we make sure that we're picking properties that are large enough to accommodate and meet setbacks and meet the conditions of the ordinances as they're set out. And then we start contacting the landowners that have parcels that are big enough to accommodate us. And then based on those responses, we will go and visit through a door knock as well as sending letters.

In this case, the first couple of folks that were interested, one ended up falling out because he didn't, he's on the north side of Union Mills and didn't feel like he had the real good setup for us to be there. The other one was way out to the east and our RF folks said, no, we can't go that far out because then we can't cover the town, which is what we're trying to do. So, I did, was lucky enough to talk to Richard Wolf, walked the site with him and came up with a site design that we think meets the majority of what the ordinance is requiring.

We did set back the tower 100% of the fall of the tower height, including the lightning rod. And we do that a lot of times, but it's not. That way we don't have to rely on the engineer's letter of how it might fall. There's no way it's going to fall on an adjoining property if we're already past the height of it.

The other thing that I did in my narrative make one typo, I've got a reference to the entrance coming off of Old Gallatin Road. Old Gallatin Road is in Kentucky. So that isn't it. It's going to be off of Union Street. There's an existing entrance there now. And we're going to extend that entrance, keep it along the railroad right of way till we get back to the tower and then boom north. The tower itself is going to be 195 foot tall. It's A monopole, which means there's no guy wires. And 199-foot overall height with the 4-foot lightning rod at the top.

We are going to build initially A fifty by fifty (50 x 50) foot compound. It'll be aggregate and have a fencing around it for security. And the bottom twenty (20) feet of the monopole won't have pegs on it, so kids can't jump the fence. Not that they would.

Melissa Mischke: Well, they would.

Royce Low: Yeah, well, I would have when I was a kid. But anyway, there's security that's built into it. We did contact both airports that were in the ordinance, Michigan City and LaPorte, both responded to us, both had already been contacted by the FAA, and I put their responses in our submittal as well as the FAA's determination of no hazard. The determination of no hazard indicates that we're not required to light the tower, so the tower won't be lit. The only lighting on it will be maintenance lights at the base, and those are always put on timers. I didn't write that into my narrative, but that's what the carriers will do. They'll put it on a timer so they go in to work on it. Time's out if the guy forgets to turn it off on his way out the door.

Melissa Mischke: How many co-locators can go on your tower?

Royce Low: You've got a commitment level from or letter from APC towers that they will accommodate up to five total carriers. The reality of it is there are three national carriers at this point. So that's probably all you're going to get. But you've got his commitment that that they'll accommodate if we get up to five, that's what they'll do.

Melissa Mischke: What if the county decided they wanted to locate one of their antennas or something out with you? Is that something you would work with the county on?

Royce Low: Oh, yes, definitely. We do that a lot of times. In some cases, depending on the jurisdiction and the requirements, it may be a $0.00. It depends on how high up on that tower you want to go. Get up into the higher levels, then that basically takes up a paying customer spot and we got to figure that out. But if we can keep it a little bit lower, which typically we can, then yeah, they're more than willing to work with that.

Melissa Mischke: So, you know, we've been having a lot more storms, straight line winds. in recent years. And this area of the county is kind of underserved since it's unincorporated. It's not a town. I think it could benefit from that if.

Royce Low: Well, one thing I saw visiting the area, being in that area, trying to call my wife while I was in there, it was a little bit challenging in the building, didn't seem to work at all.

Melissa Mischke: Right. And then it kind of goes east all the way past Highway 39. There's kind of a big dead spot. Right. Very true.

Royce Low: And the other thing I've heard tell of, but I know my mom's experience in it right now, she lives in southeastern Indiana. Frontier is abandoned in the copper line. So now she's got no service, no internet. And I think across the state, we're seeing that more and more in the rural areas. And this will help that situation for that part of the county and increase the safety and the connectivity for those folks that are live in that area.

Melissa Mischke: I agree. I live south of this location and I travel to this location and I drop everything there. So, I'm very familiar with it. Do we have any remonstrators tonight for this petition? Anybody for or against communications tower? Adam, do you have any questions back there? You frequent this area. Okay, no remonstrators. What kind of questions do we have as a board?

Tony Oss: Look at the smile on his face over there.

Jeff Baltes: Just go ahead, Tony.

Tony Oss: First question, I'll just kick it right off. Are there any houses on this property? Are there any houses? Houses on this parcel. Was there a residence on that parcel? Great. Glad to hear that. I was a little confused, and I think you clarified it. You stated a monopole, right? I think there's somewhere in here I thought where it may have referenced a lattice structure.

Royce Low: If it did, it was a typo.

Tony Oss: Just wanted to clarify.

Royce Low: It's definitely going to be a monopole.

Tony Oss: No guy wires?

Royce Low: No guy wires.

Tony Oss: No guy wires, clear monopole. Yeah, perfect.

Royce Low: No guy wire, is not lit, which is a nice thing because it is.

Tony Oss: Yeah, that answered some of my other questions because I know the packet we were provided, I think maybe there was just some, was there some additional things that they provided. Because we didn't, I don't see the FAA letter, but I assume you were saying that.

Melissa Mischke: We got it; we did get it.

Tony Oss: That's part of the packet that you mentioned. Yeah. There's obviously financial security that's required that you'll work out with staff right around.

Royce Low: I did make. I'm sorry, I should have. Two things I should have mentioned. One is we are asking for a waiver on the landscaping requirements due to the nature of where it's located there by the railroad out in the middle of the field, which basically is, it's hard to keep that stuff alive, to be honest with you, on the edge of an ag field that's sprayed.

The other thing is I did put in a response that we understand that there's a security deposit that's required. APC Towers is willing to talk to the county, set a reasonable amount based on the removal cost for that site, and then agree to that amount and post a security bond for that amount.

Tony Oss: Okay. And you answered the lighting.

Melissa Mischke: Eric, what do you have?

Eric Pointon: I don't have any questions. I can appreciate the need. I appreciate the need. A, I appreciate your thoroughness and you're setting it back the full length of the tower. I can appreciate that.

Jeff Baltes: Agreed.

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

Eric Pointon: I'll make a motion to approve this on the need and to waive the vegetation requirements that are needed due to obviously, they're not going to live when a farmer sprays them. I understand that. Keep up on your own parking lot by spraying your own weeds and or your fifty by fifty (50 x 50, keep that clean and get with the county as far as that bond goes, whoever sets that.

Jeff Baltes: I'll second that.

Melissa Mischke: I have a motion and a second. All in favor, say aye. Those opposed, same sign. Congratulations.

Royce Laow: I appreciate that.

Petition passes 5 -0

Petition #6 Petition for a Variance for Use for Frank and Francis Zolvinski (seller) and KRT Corporation (buyer) for allowance of the development and operation of a light manufacturing facility. This property is located between 9856 and 9826 W 400 N, Michigan City, IN, Coolspring Township, 21.814 acres, Parcel ID No. 46-05-16-126-001.000-046, zones B3.

Tony Oss: Madam President, if I could state one thing. I just want to; do you want to say something first?

Attorney Voeltz: Madam President, notice is adequate, and there are, I believe, 2 disclosures that need to be made this evening as well.

Melissa Mischke: Okay, maybe that's what I got.

Tony Oss: Thank you. Sorry, I jumped the gun. I guess I've just to make a disclosure in my professional capacity, I did have a conversation with KTR a few months ago. There was some work done in my office by another person. I haven't had any contacts since then. I believe it was in August. So, I just want to put that out there. I don't think there's any bias or anything involved. I just wanted to disclose the fact that I've had conversations with KTR.

Melissa Mischke: Very good.

Attorney Voeltz: Many, many years ago, I represented a member or members of the Zolvinski family. I do not believe it is the same members or members of that are associated with this petition, but nevertheless, I do need to disclose that as well.

Melissa Mischke: Anybody else need to disclose anything? Anybody? So, I did hear that notice was adequate before Tony got really excited and let us know. If you would state your names and address for the record, please.

Eric Stahoviak: Eric Stahoviak address is address of the company or my personal address.

Melissa Mischke: The company, whichever one you're comfortable getting.

Eric Stahoviak: 122 Anchor Road, Michigan City, Indiana.

Tony Peuquet: Tony Peuquet, Chester Incorporated, 555 Eastport Center Drive, Valparaiso, Indiana.

Melissa Mischke: Okay, very good.

Tony Peuquest: Tonight, we're here asking for a Use variance to allow light manufacturing in the B3 zoning. I'd like to introduce Eric as the president of KTR.

Eric Stahoviak: Good evening.

Melissa Mischke: What kind of things does KTR produce? You're manufacturing currently?

Eric Stahoviak: We're going to do a nice presentation. Yeah, we've got a nice presentation. I'll give a little history on the company products we produce, and then I'll kind of turn it over to Tony. He'll kind of talk a little bit about the development, the site plan, and give more information on that.

KTR, it was incorporated in 1989. We're located in Michigan City. We produce power transmission products, brakes, coolers, and hydraulic components. The company, primarily in terms of processes, it's CNC manufacturing primarily, so very light duty manufacturing. KTR, when we entered into the US, we're a German based company, family owned. It was primarily set up for distribution and so warehousing distribution. I joined the company roughly about a year and a half ago. I spent 25 years running a company here in Michigan City in that same space. When I came aboard, they had plans to expand the organization, but in a different capacity in terms of distribution.

We have a very large market here in the US. We're really the largest brand of coupling manufacturers globally. There's a huge market. We have about 7% of that market here today. So, it's a big opportunity, but we've not had the success because we don't have product being manufactured here and now with tariffs, freight, currency exchange, we've got a lot of things that are going against us. So, what we aligned with, with the management team in Germany was to expand those operations. And so, the idea, we looked at our current land, unfortunately, we can't expand that land because it's surrounded by wetlands. I should say it can't expand the property and build upon it. So, we looked in Michigan City originally for opportunities to build. We did not have success based upon what we were requiring. We did locate this particular parcel of land. It does meet a lot of our requirements of what we are looking for and for future expansion. So, a little bit background on the company and what we're trying to do, but it's a significant investment to be the North American headquarters KTR here in the USA.

Tony Peuquet: If you don't mind, we have a short video and a couple slides that we'd like to go through. So, the next slide is just a quick corporate video provided by KTR. So, you can click on this and it shows you a little bit more about what they do.

Okay, so just quickly, I want to briefly touch on the manufacturing process because I think it's an important part of this request. KTR will primarily use CNC machining centers, lathes, automated equipment to manufacture precise components. This is a clean, controlled indoor manufacturing operation. And when you consider the engineering office and research functions that accompany these operations. We believe there's a natural relationship to several uses that are already permitted within the B3 zoning district. So if you go to the next slide, you'll see this property is approximately 22 acres located just north of I-94 at US 421 with the focus of the building frontage, which will be along 375 N, which is south of 400. What's important about this location for KTR is that we can locate the new headquarters on that southern portion of this property and avoid the retail area along 400 North and Walmart.

All parcels in the immediate area are zone B3. We have a dialysis clinic and eye specialist, Antique Mart, home 2 suites, Walmart and other commercial businesses. We have several natural separations from the surrounding developed properties with dedicated stormwater to the west, a wooded lot to the east. We also have excellent access to the interstate. We've confirmed with Michigan City that there is adequate capacity to serve this new headquarters. When you look at this location, the surrounding uses and the infrastructure, we believe this property is well suited for what KTR is proposing, and it's consistent with LaPorte County's comprehensive plan.

So, you'll see here in our concept site plan what we're looking to develop. This is approximately the 16 acres of that parcel that we're looking to really focus on for right now. There's an additional 6 acres up along 400 North that we'll save for the future and or possibly for sale. So, you can see that we've got this set up. The goal is to create an attractive corporate campus with all operations taking place inside of this building.

The building itself is approximately 78,000 square feet with approximately 18,000 square feet of office and engineering space. We've put considerable effort into the appearance of this building. We intend to utilize steel, masonry, glass, and landscaping to create this modern corporate headquarters, and we believe it will fit within this commercial corridor.

KTR is planning to invest $15 million total for their investment, including more than 3 million in machinery and equipment. The facility will support over 50 employees, including 35 existing positions and 15 new jobs. The projected annual payroll is approximately 3.8 million, with nearly $900,000 in additional annual wages. More importantly, is this long-term investment by an established international company that's already part of the community.

Tonight, we are requesting a use variance to allow KTR's light manufacturing operations within this B3 district. We believe the property's location surrounding B3 uses, vacant adjoining parcels, natural buffers, and existing infrastructure make it suitable location and will conform to the comprehensive plan.

Melissa Mischke: Let's see if we have any more remonstrators. Just get that out of the way. Any remonstrators tonight for this petition? Anybody for or against? You can, you can stand up and be in favor of your own. All right so there are no remonstrators. What kind of questions do we have?

Jeff Baltes: I'll just let Tony start.

Tony Oss: You guys sat here through the beginning of this meeting. You probably know the questions I'm going to ask. I mean, this seems to be a project. I'm excited. Yeah. I think it's a great project. I think it's an outstanding investment for LaPorte County. And obviously we had some support that was sent over for that. Did you consider rezoning or attempting to rezone this parcel to a zoning that actually would allow this use?

Tony Peuquet: It was suggested at a point, but then the spot zoning became complicated because how do you draft up what portion becomes an M1 or an M2? Whereas they bought the full 22 acres and nobody really wanted M1 or M2 pushing against the 400 corridors. So, we opted for the use variance as being more of a secondary option for us, knowing that we already have the office, the engineering, and the research and development piece that is permitted. So, we felt that it would be better if we focused on the use variance.

Tony Oss: The challenge I have is some of the standards. I mean, obviously, Tony, you know what the standards are for a use variance. There's some hurdles there that we got to jump over. As far as, you know, or is there anything peculiar about this site or unique about the site? I mean, I suppose the argument that it's surrounded by other properties, I guess I don't look, this is just a personal opinion, I don't look at an M1 industrial district, being completely adverse to a, it's not a huge jump to go from B3 to light industrial, but that's my personal opinion. I mean, whether that's a spot building is a discussion that happens on a different board.

Melissa Mischke: Mark it off.

Tony Oss: I guess essentially what you're asking for is that though, is for a use that would be allowed in an M1 light industrial. Is that right? This would be allowed in M1. It wouldn't necessarily need to be M2 for what they're doing.

Michael Polan: M1 light industrial.

Tony Oss: Very light. Correct. It's a very light manufacturing. It's extremely clean manufacturing. There's no doubt about that. Okay.

Michael Polan: Madam President. Yes. Sorry to interject. We did receive a remonstrance and support. I don't know if that was already said.

Melissa Mischke: Okay, thank you. That's the one. Eric, do you have any questions?

Eric Pointon: I always ask about truck traffic, being it is on a county road. How much truck traffic are you thinking about daily?

Eric Stahoviak: Right now, we only run one shift. So it would be mainly during the day, Monday through Friday. But even then, it's very limited. I mean, we're back on Anchor Road, which is a very small road. There's not a lot of trucks that really come back there.

Eric Pointon: But I guess as far as what you're going to bring in, you're going to bring in raw material and then send out finished products. So how much, how many, how many trucks a day, I guess, deliveries?

Eric Stahoviak: Like, we probably have anywhere from maybe 4 to 8 per day that come through there. So very, very limited. And that's including FedEx and UPS, which are smaller trucks.

Tony Oss: Let me just ask him, should the board decide to grant this use variance, would you be willing to accept all the provisions as if the property was zoned M1. Namely, what I'm worried about is, you know, there are buffer requirements between side properties and I know you have a great natural buffer that's already there. Just want to make sure that, you know, so there's other provisions and other things that go into it. Would you be willing to accept those use requirements as if it was under that zoning restriction? for that zoning classification?

Eric Stahoviak: Yeah, I guess. Tony, probably you guys know the provisions more than I do if I'm being honest, but I think yes, we would be open to them, but I would need to understand what they are and if you see any.

Tony Oss: Do you see any issue with that, Tony?

Tony Peuquet: I don't see any issue with it. I understand that if there's issues within the ordinance throughout the design process, we have to bring those up with plan commission at some point anyway. If there would be a requirement for variance, if you put that restriction on us, we would have to come back here for a request. I think that we'd be open to that idea for sure. So yeah, I mean, I just if we run into something that doesn't should fit.

Tony Oss: Should the board decide to move forward, I guess I would just like to see some sort of framework that you have to be, that you have to live within. And then what you said, Tony, if you have to come back.

Tony Peuquet: I think, yes, we're open to that. And if we run into something along the way, that means we'd have to come back. But from the use variance standpoint, yeah, we would agree to that because the use is an important part for us.

Tony Oss: Thank you.

Jeff Baltes: I think that was a good suggestion, Tony. To structure it that way.

Melissa Mischke: I think if that's the case, then we can, if we're going to make a motion, maybe include that the building commissioner can do some of those at his discretion. Whether or not it fits into the zoning.

Tony Oss: I'm just looking at like setbacks. Yep. And on all the provisions that would normally apply to a site.

Jeff Baltes: Yeah, I agree. Yep.

Melissa Mischke: Eric, do you have any questions? Jeff, nothing?

Jeff Baltes: No.

Melissa Mischke: I have some offline questions not related to the variance.

Tony Oss: That's cryptic.

Melissa Mischke: Yeah, like I took four train in college, but apparently, they don't use punch cards on CNC machines anymore.

Tony Oss: I took four train in college too. I don't think they use four train.

Melissa Mischke: Yeah, that's my point. I wanted to talk about that offline. So. Okay, there are no further questions and there are no remonstrators. I'll entertain a motion. Tony?

Tony Oss: I'm not making a motion.

Jeff Baltes: I'll make a motion to approve the variance. To file the M1, what's the word I'm looking for, zoning restrictions. Anything else we want to add? That Mr. Polan can make some of the decisions on his own as far as if with the M1 zoning restrictions that brought forward.

Eric Pointon: I second that.

Melissa Mischke: I have a motion and a second. All those in favor, say aye. Those opposed, same sign.

Petition passes 4 -1

Congratulations.

Eric Stahoviak: Thank you very much.

Melissa Mischke: Good luck and please work with the building commissioner's office.

New Business: Is there any new business in front of the board this evening?

Michael Polan: Madam President, just to clarify, or our home gamers and public and even these petitioners, I think where the board members were getting that on following M1 zoning regulations, which is contained in articles of our Joint Zoning Ordinance, is probably going to pertain to screening, buffers, lighting, noise, that kind of stuff. So that's what that's just to clarify that. And that's all I have. I think our attorney has something.

Melissa Mischke: All right, Attorney Voeltz.

Attorney Voeltz: Thank you, Madam President.

As this board is aware, there was a decision that was made in July to deny the application for the Petition for Special Exception for the Yellowstone project. The petitioners followed their statutory remedy and they did appeal that decision. to a court of competent jurisdiction, the LaPorte Superior Court #3. Judge Thorne on the 19th day of October, 2026, so yesterday, issued his order with regards to that petition. And his order states in part that the decision of the LaPorte County Board of Zoning Appeals denying Yellowstone's request for special exception is hereby reversed and vacated. Furthermore, the La Porte County Board of Zoning Appeals is ordered to enter Findings of Fact and Conclusions of Law that are consistent with this court's order and grant to Yellowstone Solar Project a special exception as set forth in its petition.

So that decision was rendered by Judge Thorne yesterday. Now, as a procedural matter, and as your attorney, I must advise you that there is the ability for this board to file an appeal of that judge's decision or that court's decision. But discussion concerning that is covered under the pending litigation exception that would require that this discussion to take place in a Special Executive Session. So that's the update from a legal perspective as far as where this board is at.

Melissa Mischke: Any additional business from you, Mike.

Michael Polan: It would be my recommendation that the board direct our attorney to follow the ruling of the court and order him to draft the Findings of Fact as ruled on in the court.

Melissa Mischke: So just to clarify, the next steps are, do they come back in front of us if we don't file an appeal?

Attorney Voeltz: Madam President, at this point, pursuant to the plain language and the concise and specific language of the court's order, no.

Melissa Mischke: Very good.

Attorney Voeltz: There is, it has not been remanded for further proceedings, in that effect, which would have been a statutory remedy under Indiana Code 36 74 16 15. The court determined that the decision to deny the petition is vacated and the court is directing the board to enter a finding granting the petition. Now, once again, the board has the ability to appeal that decision, but that is something that is best left to an executive session to make that determination.

Melissa Mischke: Thank you. I just wanted to make sure everybody understood the same thing.

Eric Pointon: Is there a timeframe in which we have to an appeal or have the executive session to talk about an appeal?

Attorney Voeltz: We need to have the executive session as soon as possible. We are on the clock. Excuse me, you are on the clock, 30 days.

Eric Pointon: 30 days.

Melissa Mischke: I don't know that I've ever been in this situation in the 20 years I've been on this board. I just want to say that. So, very good.

Jeff Baltes: I say we schedule a Special Executive Session.

Attorney Voeltz: We're going to have to provide notice, obviously, of the executive session.

Melissa Mischke: So, if you could e-mail all of us some potential dates, the earliest dates, then we can kind of go from there.

Attorney Voeltz: Certainly.

Eric Pointon: How long notice? How long of noticed?

Attorney Voeltz: 48 hours.

Eric Pointon: Tony and I have to come back next Tuesday, so it would be nice if we could do it before that. That's my suggestion.

Attorney Voeltz: 48-hour notice.

Michale Polan: Yeah, it has to be 48 hours prior to the executive session, and we could set it up for Tuesday.

Eric Pointon: That would be my suggestion.

Attorney Voeltz: OK so it fits your schedule, Eric.

Eric Pointon: I already got to come back. Tony and I both have to. It would get our attorney here. And the attorney will be here; Mike will be here. No, I agree.

Attorney Voeltz: There it is. All right. Thank you.

Tony Oss: Motion to adjourn.

Eric Pointon: Second

Motion to approved and carried 5 – 0.

Meeting adjourned at 7:32 p.m.

Eric Pointon, Vice-President

Michael Polan, Recording Secretary