

MINUTES OF THE REGULAR MEETING OF THE  
LA PORTE COUNTY  
BOARD OF ZONING APPEALS  
TUESDAY, APRIL 17, 2012

The La Porte County Board of Zoning Appeals met in a regular meeting in the Council Chambers, Meeting Room 2, La Porte County Complex, La Porte, Indiana, on **Tuesday, APRIL 17, 2012**, at 6:00 p.m., the time, date and location for holding of said meeting.

Chairman Hogan called the meeting to order, and upon roll call, the following answered present:

Dwayne Hogan, Paul Zona, Bill Eaton, Glen Minick and Melissa Mischke.

Also present: Doug Biege, Counsel for the BZA; and, Marilyn M. Jones, court reporter; and other members of the general public

The first item of business on the agenda was approval of the minutes from the **Tuesday, March 20, 2012**, meeting. It was moved and seconded that the minutes be approved.

With a voice vote of all ayes, motion carried, and the minutes were approved.

**The first item of business:**

Chairman Hogan verbally informed all attendees that the second petition on tonight's agenda, that being the petition of Richard Loniewski and Shirley St. Arnaud and John Burys d/b/a Pheonix Enterprises America, LLC, to operate a Gentlemen's Club on property which is located at 5906 North U.S. Highway 35, La Porte, Indiana, Springfield Township, and is zoned Accommodation Business, will **NOT** be heard this evening.

Chairman Hogan then called for the first petition.

***Petition* of Steve and Tina England to build a second pole barn on their property; this property is located at 2358 North 150 East, La Porte, Indiana, Kankakee Township, and is zoned Accommodation Business.**

**Steve and Tina England approach the lectern and provided their legal paperwork to the board's attorney, who advised the board the paperwork is in order. Mr. England explained the size of the building and that it will be used to store his tractor and a few lawnmowers.**

**Board Member Hogan questioned the petitioner about water and electric, and Mr. England stated "no".**

**Board Member Zona commented that they are going to regret building it so small down the road. Board Member Minick questioned the status of "minor subdivision", and Mr. England explained the nomenclature to Mr. Minick, who then went on to question covenants in the subdivision. Mr. England said there were no covenants. Board Member Mischke questioned how much acreage the petitioner has, and the response was, "I believe three to three and-a-half."**

**There being no further questions from the board, public portion of the meeting was opened.**

**There being no public comment, the public portion of the meeting was closed.**

**Mr. Eaton moved to approve the Petition of Steve and Tina England, seconded by Mr. Minick.**

With a voice vote of all ayes motion carried, and the Petition of Steve and Tina England was approved.

**Chairman Hogan asked the board what their pleasure would be on Petition of Richard Loniewski and Shirley St. Arnaud and John Burys, since it is not being heard this evening.**

**Board Member Zona expressed the fact that there are studies that need to be done on the property, his recommendation would be to continue the petition for a period of ninety (90) days, so that means the petition would be heard at the board's July, 2012, meeting.**

**Chairman Hogan called for a second to Mr. Zona's motion.**

**Board Member Eaton seconds the motion.**

**Chairman Hogan calls upon Counsel Beige. Counsel Beige explained why the May date was chosen, because of the overlay district studies. Counsel Beige also advised that there are some issues with handling all the e-mail remonstrances and support that are coming in; explaining that it would be easiest if all the contacts via e-mail be forwarded to his office so there would be one repository maintained for the record.**

**Board Member Mischke questioned whether 90 days would be enough time to get the studies accomplished. Counsel Beige explained that the petitioners are under the highway corridor requirements; they are required to provide the transportation studies, a few other studies are required, and that, in fact, 90 days might be a little "tight".**

**Board Member Zona made the point to give his new e-mail address as: zonapc@comcast.net.**

**Chairman Hogan noted there is a motion on the floor to postpone the petition for 90 days, and a second; he then called for the vote.**

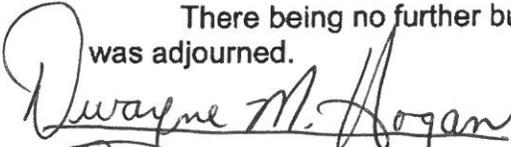
With a voice vote of all ayes, motion carried, and the petition is continued for ninety (90) days.

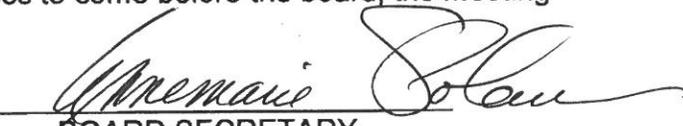
**Chairman Hogan called for any other business to come before the board. Mr. Pressel of Pressel Enterprises, the builder for Jeff and Gail Johnson, giving the board a point of clarification on a variance granted on October 1<sup>st</sup>; explained that there were three lots that did not show up on the site plan that was given to the board, and which do show up on Beacon, and at one point Mr. Kaminski was asked if it would be on the same acre, and it is not on the same parcel; the parcels join up and the parties are going to quit-claim deed and resolve the issue, but he just wanted to bring it back here for a point of clarification. Board Member Mischke asked to see the drawing.**

Chairman Hogan thanked Mr. Pressel for bringing this to the board's attention, and there isn't any action the board needs to take on the matter.

Counsel Beige discussed present litigation, and that a Motion to Dismiss in that litigation will be filed in federal court.

There being no further business to come before the board, the meeting was adjourned.

  
Dwayne M. Hogan  
President

  
Aremairi Solau  
BOARD SECRETARY