



**LAPORTE COUNTY
BOARD OF ZONING APPEALS**

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ANNEMARIE POLAN
Building Commissioner

August 21, 2012

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, August 21, 2012, at 6:00 p.m. in the Assembly Room of the County Complex.

MEMBERS PRESENT:

Dwayne Hogan
Glen Minich
Paul Zona

William Eaton
Melissa Mullins Mischke

OTHERS PRESENT:

Annemarie Polan, Recoding Secretary, Attorney Doug Biege;
Darlene Pavey, Secretary

The Pledge of Allegiance.

Dwayne Hogan entertained a Motion for the approval of meeting minutes from July 17, 2012.

Melissa Mullins Mischke made a Motion to approve the meeting minutes as presented. William Eaton seconded.

All approved. Motion carried 5-0.

1. The Petition for Anthony & Betty Pesavento to allow for encroachment of the setback for deck/railing. This property is located at 7974 Daisy Lane, New Carlisle, IN Hudson Twp., zoned R1B. **(This matter was tabled from the June 19, 2012 meeting.)**

Dwayne Hogan said that he would entertain a Motion to get this off the table and bring it back up for tonight.

Melissa Mullins Mischke made a Motion to remove number one from the table. Paul Zona seconded. All approved. Motion carried 5-0.

Dwayne Hogan asked for name and address for the record.

Betty Pesavento, 7974 Daisy Lane, New Carlisle, Indiana.

Sara Zervos, 3601 Hampden Road, Michigan City, Indiana, La Porte County.

Dwayne Hogan asked what was presented to them this evening.

Betty Pesavento said that there are letters between her attorney and your attorney since 2010, regarding the variance for the deck.

Sara Zervos said that in particular, your attorney, Douglas Biege to Betty's attorney quote "in summary, your client need only obtain a building permit for the deck, without the requirement for a variance to satisfy the requirements of the building department." We trust that your clients will resolve this one remaining issue in a timely manner. Ms. Zervos said that is from Mr. Biege dated July 28, 2011.

Paul Zona said that what is upsetting to him right now is the fact that you went ahead and did it and now we have to straighten it out.

Ms. Zervos said that she is sure that Betty and her husband apologize for having done something ten (10) years ago with a permit, and now having all these problems.

Paul Zona asked Ms. Zervos how close they were to the property line.

Ms. Zervos asked if he was talking about the deck.

Paul Zona stated yes.

Ms. Zervos said that both decks may not be in compliant and based on that ---

Paul Zona Paul said that all he's saying is that when he was about fourteen years old he was told by his father and by another gentleman ignorance of the law is no excuse.

Ms. Zervos said that she doesn't think it was ignorance of the law when a deck permit was permitted. Ms. Zervos said that she thinks that they've followed through on everything ---

Paul Zona asked Ms. Zervos how they gave her a deck permit when they're too close to the side line.

Ms. Zervos said that you would have to answer that with the people ten (10) years ago who gave them a deck permit. Ms. Zervos said that she can't answer that because she wasn't here.

Betty Pesavento said that they built a sun porch and that is right on the lot line and we were given that permit.

Paul Zona said that he doesn't understand why.

Ms. Zervos said that her clients don't understand why either.

Board members going over paper work.

Paul Zona said that they have a building permit for a patio enclosure and that's all.

Betty Pesvento said that it does say to extend the deck on the east side on their contract.

Paul Zona said that ours didn't say that.

Attorney Biege asked Ms. Pesvento if it is on their contract or permit.

Ms. Pesvento said it is on the contract.

Attorney Biege said that a contract is not a building permit. Attorney Biege said that the building permits says patio enclosure.

Paul Zona said that the permit says patio enclosure and he will grant that. Mr. Zona said that the deck they took on upon themselves and/or your contractor, whoever did it.

Ms. Pesavento said that she tried to get a hold of the contractor and apparently he is no longer in business, but the contact which she has a copy of says that he will only do it if he gets a permit.

Paul Zona told Ms. Pesvento that they were misrepresented.

Ms. Zervos up at the bench showing the members of the board a time line that Ms. Pesvento had made up.

Paul Zona said that the permit wasn't applied for that way; it was applied for a patio enclosure. Mr. Zona said that you took it upon yourself to put the deck on. Mr. Zona said that we have no record for a deck permit.

Ms. Zervos asked if the problem would have been resolved with a permit.

Paul Zona said no. Mr. Zona said that they needed a variance. Mr. Zona said that the patio enclosure should not have been allowed either.

Betty Pesavento said that they attempted to obtain a permit and they were refused.

Ms. Zervos said that they have a letter dated July 28, 2011 that they just quoted from that said it wouldn't be required to obtain a zoning variance, because of other homes in the area including

the home next door also given encroachment with regards to decks, walkways and retaining walls.

Mr. Zona said that with the neighbor it is totally a different case and they will have to look into that.

Mr. Zona said that "you are telling me that her lawyer told our lawyer, don't worry about it; we'll get it settled here." Mr. Zona said that he doesn't speak for this board.

Attorney Biege said being misspoke, the letter specifically states that your clients will be required to obtain a building permit for the deck and rail.

Ms. Zervos said that they tried to get a permit and they were refused.

Paul Zona said that's correct.

Ms. Zervos said that first they tried to get a variance and then they were told they didn't need a variance, all they needed was -----

Attorney Biege said that he's the one who wrote the letter and he never told them that they didn't need to seek a variance. Attorney Biege said that he can't presume whether or not a variance is required or not, that's up to the discretion of the Building Commissioner. Attorney Biege said that he told him that they needed to apply for a building permit; they applied for a permit and they were told that they needed to apply for a zoning variance.

Ms. Zervos told attorney Biege said that his letter of July 28th, you said that they wouldn't be required to obtain a zoning variance. Ms. Zervos told attorney Biege that was his own words.

Attorney Biege said with respect to the setback lines. Attorney Biege said that we could be here all night reading partial sentences. Attorney Biege said that he is the Boarding Zoning Attorney and he wrote the letter and he was crystal clear that they were to apply for a building permit. Attorney Biege said that anything else is a partial ----

Ms. Zervos said that she can read the entire letter.

Attorney Biege said he wrote it; he knows what's in it.

Melissa Mullins Mischke told Ms. Zervos that the deck was built without coming for a variance or a building permit. Is that true?

Ms. Zervos said no it was not ---

Melissa Mullins Mischke said that the time the deck was built, there was a building permit?

Was that for a patio enclosure, or deck.

Ms. Pesavento said that her contractors said that they would take care of the permit.

Melissa Mullins Mischke said so in fact the deck did not have a building permit, it was a patio enclosure.

Ms. Pesavento said that she thinks there were two separate permits.

Melissa Mullins Mischke said that you have all kinds of documentation with you, do you have a copy of that permit.

Dwayne Hogan asked if there were any remonstrators here tonight for or against this.

1. William Hedge, 1033 Indiana Avenue. Attorney Hedge said that he is the attorney for the Cavellis, neighbors to the west. Attorney Hedge said that first of all, he has a question about where the lot lines are. Attorney Hedge said that this property was surveyed by his client before she placed the current fence on her property line.

Attorney Hedge is up at the bench showing the board members the survey that was done.

Dwayne Hogan asked if the deck is right on the property line.

Attorney Hedge thinks that Annemarie took pictures of this and he doesn't think that you can get a fire hose down there or any other emergency equipment.

Board members speaking amongst themselves.

Attorney Hedge said that this is one of the worse cases he has seen in front of the board in a long time.

Attorney Hedge is up at the bench showing the board members pictures of the property in late October, 2003.

Board members speaking amongst themselves.

Attorney Hedge said that the pictures depict the Cavelli's house back in 2003. You note that the sunroom and the deck, none of those inspections were in existence at that time.

Attorney Hedge that he thinks his client's property is about five (5') feet away from Pesaventos.

Attorney Hedge said that his client has not remodeled the exterior of her house to enlarge it as Pesavento's have. They have created a real hazard. Attorney Hedge said that he would hate to

think of a fire in one of those structures. It could very readily spread to the neighbor's house and that is a concern.

Attorney Hedge said that there is a drainage problem now.

Paul Zona asked if it was going under Covelli's property.

Ms Covelli said that they're complaining that it is flooding their property.

Attorney Hedge said that he doesn't see where they have met any of the requirements for a variance.

Paul Zona said also the drainage problem that is there.

Attorney Hedge said that it is their obligation and burden to prove that the variance would not affect his client's property and it clearly does.

Dwayne Hogan asked if there were any other remonstrators.

Gary Stam, 1914 Wilcox Street, Crestville, Illinois. Mr. Stam said that he's the son-in-law. Mr. Stam said that he is a land surveyor and he works with a lot of this stuff. Mr. Stam said that it is his understanding that structure of the house has been there since 1959 when they bought the house. .

Mr. Stam said that as far as the house goes and the deck goes, if they didn't have the permit for the deck correctly, even if they're ignorant of it.

Paul Zona said that before we go on and talk anymore, who is coming up with the fine money, because they owe over six hundred thousand dollars to this county in fines.

Mr. Stam said that he doesn't know if he would agree with that. Mr. Stam said that's not why he's here. Mr. Stam told Mr. Zona that he feels like he's being put in a position and he's trying to help a little bit if he can.

Mr. Stam said that as far as the deck, the letter from the attorney basically said go get your permit and we can get it worked out, which seems reasonable. Mr. Stam said that the house was how it was and the deck was how it was, but the pipe was in the ground when they bought the house. Mr. Stam said that pipe was put in by agreement between the Pesaventos and the previously owners, which means they would be responsible to know what's in the ground when they purchase the house.

Paul Zona asked to see the agreement.

Mr. Stam said that he doesn't know if they have that. Mr. Stam said that is what they told him, but the pipe was in the ground when they bought the house. Mr. Stam said a lot of these conditions that they seem to have an issue with existed when they bought it and now he's trying to figure out why it is nine years later that suddenly this is all becoming an issue.

Mr. Stam said that this lady would come over and have dinner with us a million times; they went boating, swimming and had cocktails.

Paul Zona said that he doesn't care.

Mr. Stam said that does matter.

Paul Zona told Mr. Stam that this board is interested in facts. Mr. Zona said that he doesn't care who had dinner with who; who had drinks with who; all we're interested in is the agreement to the deck itself. Mr. Zona said that there was never a permit issued for the deck, only for the enclosure. Mr. Zona said that this permit says "enclosed porch".

Mr. Stam is up at the bench. Mr. Stam asked to look at the pictures.

Glen Minich said that the real problem we have here is we do this whole thing to stop this kind of a problem. Mr. Minich said that if there was a legal easement for that pipe, we would have to see that and the owner should have seen that. Mr. Minich said that without that legal easement, we can only assume it was put in with a good will agreement, but that is why you have to come here and get a variance, or you get a legal easement.

Paul Zona said that this was issued October 25, 2012 by Robert Szilagyi and it states " as it stands the deck and any portion of such deck, which is more than thirty inches above ground level must have appropriate guard rails as specified by the building code. Failure to have this matter remedied within fourteen days will subject you to a legal action for enforcement of the same, which will include removal of the deck and fines in the matter of up to twenty five hundred dollars per day per violation, as well as any attorney fees".

Paul Zona said that he doesn't see any hand rails on that deck.

Mr. Stam said that there is a hand rail on that deck. Mr. Stam said that they received a letter telling them that they needed to put a hand rail on that deck, because it was in violation because it didn't have a hand rail.

Mr. Stam said that he does not know how the property on their side is causing a drainage problem when the neighbor's property is higher than the grade of road and a foot and a half higher than the grade of their driveway. Mr. Stam said that he's failing to understand how water runs up hill on the property.

Paul Zona said that there are other things that are happening that will be coming in the next few months of the same situations. If people don't know where the courthouse is in La Porte County there's something wrong in this county. Mr. Zona said that ignorance of the law is no excuse.

Dwayne Hogan asked if there were any other remonstrators.

2. Chris Sinka, 17908 (inaudible), Lansing, Illinois and a former residence of New Carlisle. Mr. Sinka said that he is also a son-in-law and he has done a lot of work on this cottage. Mr. Sinka said that this property was added onto and it did get permits required for that construction. Mr. Sinka said that La Porte County failed to do their part on even inspecting the property.

Dwayne Hogan asked if there were any other remonstrators.

Dwayne Hogan asked Ms. Cavelli how long she thinks that pipe was in the ground.

Shawn Cavelli, 7964 E. Daisy Lane. Ms. Cavelli said that she's been speaking with Steve Likas the last few days who is the prior owner.

Dwayne Hogan asked when the pipe went into the ground.

Ms. Cavelli said that he didn't even know about it when he lived there and he said that they had nothing but problems the whole time they lived there.

Ms. Cavelli said that the last couple of years that they were there, they would come home and huge additions were built. Ms. Cavelli said that he just e-mailed her today confirming this.

Attorney Hedge said that he has the deed that his client acquired in 2003.

Dwayne Hogan and Paul Zona asked to see the Pasevento deck.

Attorney Hedge and Ms. Cavelli are up at the bench.

Board members speaking amongst themselves.

Dwayne Hogan asked if there were any other remonstrators here this evening.

Ms. Pasevento is up at the bench giving the board members the permits that she has.

Ms. Pasevento said that the pipe was installed in 1988 when the previous owner raised their lot. Ms. Pasevento said that they sent the letter to the county to ask them to come and inspect and they met with both of them. Ms. Pasevento said that in a joint venture to correct the problem, by

putting in a sewer system to drain the runoff water, and also put gutter drains in the system for both homes, paid for by both parties.

Ms. Zervos asked Ms. Pasevento if the Cavelli's could see their deck.

Ms. Pasevento said that they can't see the deck. Ms. Pasevento said that they can't see anything on their property.

Attorney Biege said that he wants to remind the board that the issue before the Board of Zoning is whether or not it's going to grant a variance for the deck and rail.

Dwayne Hogan said all the rest of it is subsequent.

Ms. Zervos said that they're trying to solve it. Ms. Zervos said that they were going to get a permit and they couldn't get a permit. They were also told that they didn't need a variance and now they're saying they do need a variance and they are here.

Dwayne Hogan asked Annemarie Polan if she had anything to add to this.

Annemarie Polan, Building Commissioner said that the whole thing started with the unfinished shed that was attached to the house. Annemarie said that the most recent correspondence were the shed and the deck. Annemarie said that the shed is gone now and now we're dealing with the deck.

Ms. Zervos said that the Pasevento's have tried to do everything possible. Ms. Zervos said that they are here to try to solve this.

Dwayne Hogan asked if there were any questions or comments from the board.

Melissa Mullins Mischke said that she just wants to say that they are certainly familiar with the conditions out in some of our lake areas that are tight lots that the variances were not in place, or the requirements were different at the time people purchased these homes, but it does not negate the need for everyone to come in and get the variances. Melissa that we do issue variances for these sorts of issues all the time. Melissa said that one of the concerns that this board has is that things were put in without a variance in the first place.

Melissa said that just because you come in for a variance, doesn't mean you are or are not going to get it, but you have to allow us to make that decision, or you do end up with disputes between parties. Melissa said that we see this all the time and we see contractors that don't pull permits either. Melissa said that is something you as a homeowner need to be looking at and make sure those things are getting done, because we're not going to read your contract every time you come in to see what's going on.

Melissa Mullins Mischke said that she's disappointed that she's reading a letter from 2010 that there is not railing and that you were notified the deck was not in compliance with it.

Glen Minich said that he would have to question that if this was brought to us previously putting the deck on that we would have given a variance. Glen said that to give no access to the property along those lines for fire protection for future owners. Glen said that we are looking to protect everyone, not just the family, but owners that may come afterwards. Glen said with that pipe that was installed should have come with a legal easement. Glen said if it was recorded previous, then the pipe is there, but it wasn't done properly and this isn't something we can fix. Glen said that he doesn't think it would be a hardship to take the deck off that is in question.

Dwayne Hogan said that he will entertain a motion from this board.

Paul Zona made a motion that the Petition for Anthony & Betty Pasevento be denied for the encroachment and the setback of the deck due to the fact that the approval does interface substantially with the Comprehensive Plan of this County. Things weren't done properly and beyond that, there was another building going up and disregard for this board and the Building Commission. This deck shall be torn down within sixty days.

Melissa Mullins Mischke seconded.

Dwayne Hogan asked if there were any other questions, comments or concerns from this board.

All approved. Motion carried 5-0. Motion Denied.

2. The Petition for Nancy Disterheft to operate a pre-school out of her residence. This property is located at 4534 E. 200 S., La Porte, IN, Pleasant Twp, zoned R1B. (This Petition was tabled from the June 19, 2012 meeting.)

Legal work complete. Not remonstrators present.

Melissa Mullins Mischke made a Motion to remove Petition No. 2 from the table. Paul Zona seconded. All approved Motion carried 5-0.

Nancy Disterheft, 4534 E. 200 S., La Porte.

Dwayne Hogan asked Ms. Disterheft what she would like to do this evening.

Ms. Disterheft said that she would like to have a pre-school in her home.

William Eaton asked Ms. Disterheft how many children she would have.

Ms. Disterheft said that she would be starting out with six and hoping for ten.

Paul Zona asked if it would be ten maximum.

Ms. Disterheft stated yes.

Paul Zona asked if it would be in a room upstairs or down stairs in the basement.

Ms. Disterheft said that they are converting two bedrooms into the class room.

Dwayne Hogan told Ms. Disterheft that she has to meet all of the requirements of Section 14-08 with Health Care and the Center.

Dwayne Hogan asked if there were any remonstrators here this evening for Petition No. 2, for or against.

Dwayne Hogan asked if there were any questions or comments from the board.

Melissa Mullins Mischke asked Ms. Disterheft what she is going to do for parking. Melissa said with her own experience with day care, drop off time and pick up time are very hectic and there are a lot of cars. Melissa said that she doesn't see a lot of parking in the area. Melissa asked Ms. Disterheft if she had any plans on modifying the driveway.

Ms Disterheft said that it definitely needs to be done.

Dwayne Hogan asked Ms. Disterheft how many bathrooms she has in the house for this.

Ms. Disterheft stated two.

William Eaton asked Ms. Disterheft if there is a certain age that she pre-schools.

Ms. Disterheft said that the plan for her particular pre-school is four to five years old from 8:30 a.m. to 11:30 a.m. Ms. Disterheft said that it is pre-school only.

Paul Zona asked Ms. Disterheft if there were any plans on changing the hours.

Ms. Disterheft stated no.

Paul Zona said three hours a day.

Ms. Disterheft stated yes.

William Eaton asked Ms. Disterheft if she would have a pre-school sign.

Dwayne Hogan told Ms. Disterheft now is the time to ask.

Ms. Disterheft stated yes.

Paul Zona told Ms. Disterheft that a 2x3 sign is normal.

Ms. Disterheft said that she has just received information that the driveway is as wide as the road. Ms. Disterheft said that they will do what they need to do with the sign.

Paul Zona sked Ms. Disterheft if she wanted a 4x8 sheet, or 4x4.

Dwayne Hogan asked about the hours.

Ms. Disterheft said 7:00 a.m. to 5:00 p.m.

Mr. Disterheft said that what she is planning on is between 7:00 and 7:30 a.m. to 11:00 a.m. Mr. Disterheft said that they also entertained the idea of offering a service to take the kids home.

Melissa Mullins Mischke asked Mr. Disterheft what kind of sign he was anticipating in the yard.

Mr. Disterheft said it would probably be two foot by two foot.

Paul Zona said that 2x3 is standard.

Dwayne Hogan asked Mr. Disterheft if he was going to put a light on it.

Mr. Disterheft stated no.

Mr. Disterheft told the board that they are also going to use their tv room for their education.

William Eaton made a Motion that the Petition for Nancy Disterheft to operate a pre-school out of her residence, located at 4534 E. 200 S., La Porte, Pleasant Twp, zoned R1B be granted, with the hours of operation being 6:00 a.m. to 5:00 p.m. and a three by six sign. Paul Zona seconded.

Dwayne Hogan asked if there were any comments or concerns.

All approved. Motion carried 5-0.

3. The Petition for Obed Kalwitz, III and Lorene Mohlke & Jeanine Skirpan for continued place of a mobile home. This property is located at 9143 W. 1550 S., Wanatah, IN, Cass Twp., zoned AG. (This matter was tabled from the May 15, 2012 meeting.)

Legal work complete. No remonstrators present.

Melissa Mullins Mischke said that she would like to make a Motion that we remove item number 3 from the table. Glen Minich seconded. All approved. Motion carried 5-0.

Obed Kalwitz, III, 9243 W. 1550 S., Wanatah.

Dwayne Hogan asked Mr. Kalwitz what he would like to do this evening.

Mr. Kalwitz said that he would like to get at least three more years variance on his trailer.

Dwayne Hogan asked Mr. Kalwitz how long the trailer has been there.

Mr. Kalwitz said that he thinks since 1999.

Dwayne Hogan asked Mr. Kalwitz the size of the mobile home.

Mr. Kalwitz said that it is 14x70.

Melissa Mullins Mischke asked Mr. Kalwitz the year of the mobile home.

Mr. Kalwitz said that he thinks it is a 1974 , or 76.

Dwayne Hogan asked Mr. Kalwitz if he has any intentions of building out there.

Mr. Kalwitz stated yes.

Dwayne Hogan asked Mr. Kalwitz how many variances he has had before.

Mr. Kalwitz said he's guessing four or five.

Dwayne Hogan asked Mr. Kalwitz if he's been trying to build out there for fifteen years.

Mr. Kalwitz said that he was in here trying to get a building permit and by the time this board approved it, he lost his job and he couldn't get the loans. Mr. Kalwitz said that he's been trying to get himself up on his feet.

Dwayne Hogan asked if there were any remonstrators here this evening for Petition No. 3.

Dwayne Hogan asked if there were any questions from the board.

Paul Zona told Mr. Kalwitz by shunning the board like that, let's state fact is fact. Mr. Zona told Mr. Kalwitz that he doesn't have a right-of-way into that; you have a little bit of an easement right from your sister if my memory is correct.

Mr. Kalwitz asked for what?

Paul Zona said the house.

Mr. Kalwitz said that was when he was trying to get the building permit. Mr. Kalwitz said that is a totally different property then where the mobile home is.

Paul Zona asked Mr. Kalwitz where the mobile home is.

Mr. Kalwitz that the mobile home is on his sister's property.

Paul Zona asked Mr. Kalwitz if he has road frontage.

Mr. Kalwitz said that he doesn't have road frontage to his property.

Paul Zona said that was one of the biggest problems.

Paul Zona asked Mr. Kalwitz if he is back to work.

Mr. Kalwitz stated yes.

Dwayne Hogan asked if there were any questions or comments.

Board members looking over the site plan.

Paul Zona told Mr. Kalwitz that his mother said you weren't farming anymore.

Mr. Kalwitz said that is a whole different deal. Mr. Kalwitz said that everything was taken away from him. Mr. Kalwitz said that he is helping his father out since he turned ill.

William Eaton asked Mr. Kalwitz if his father is a farmer.

Mr. Kalwitz said that he was pretty much up until this spring.

Dwayne Hogan asked if there were any other comments or questions from the board.

Melissa Mullins Mischke thanked Mr. Kalwitz for taking the time to come in and address this board. Melissa said that she knows that sometimes when you have other people come in on your

behalf, information gets misconstrued so that's why it's really important that you come in so that we know you understand what are wishes are.

Paul Zona made a Motion that the Petition for Obed Kalwitz, III and Lorene Mohlke & Jeanine Skirpan for continued placement of a mobile home be granted for a period of three (3) years. Melissa Mullins Mischke seconded.

Dwayne Hogan asked if there were any questions or concerns of the board.

All approved. Motion carried 5-0.

Attorney Biege said that the common address is 9243 W. 1550 South.

4. The Petition for Donald Jr., & Charlotte Blint to operate an auto repair business and possibly sell used cars. This property is located at 6226 E. Bootjack Road, Rolling Prairie, IN, Wills Twp., zoned B1.

Legal work complete. Remonstrators present.

Donald Blint, Jr., 6226 E. Bootjack Road.

Dwayne Hogan asked Mr. Blint what he would like to do this evening.

Mr. Blint said that he wants to get a variance so he can work at his shop.

Dwayne Hogan asked Mr. Blint what is his shop.

Mr. Blint said that he fixes automobiles.

Dwayne Hogan asked if this is a current shop right now.

Mr. Blint said that he's been trying to get it going.

Dwayne Hogan asked if it is a licensed regular business.

Mr. Blint said yes. Mr. Blint said that it was zoned industrial and he didn't know he needed a work permit. Mr. Blint said he's just trying to do the right thing.

Dwayne Hogan asked Mr. Blint how long he has been in business.

Mr. Blint said two years.

Dwayne Hogan asked what the business is going to entail.

Mr. Blint said that he does alignments, breaks, rear ends, struts.

Dwayne Hogan asked Mr. Blint he he's going to sell used cars.

Mr. Blint said that he was accused of selling used cars.

Dwayne Hogan asked Mr. Blint if he sold used cars.

Mr. Blint said that he sold one used car. Mr. Blint said that it is not a habit. Mr. Blint said that people sell used cars along the road everyday and he didn't think it was a big deal to sell one.

Dwayne Hogan asked if there were any remonstrators here this evening for Petition No. 4.

Remonstrators:

1. Richard & Shirley Novak, 6217 E. US Highway 20, Rolling Prairie, Indiana.

Shirley Novak said that the Petition is to operate an auto repair business and possibly sell used cars. Ms. Novak said that they believe that this will be injurious to the local area and it will change the dynamics of the neighborhood, increase traffic and possibly reduce property values and also could have a health impact on the drinking water because of the well and the fluids not being properly disposed of.

Ms. Novak said that a number of years ago they had an issue with the petitioners. Ms. Novak said that they had numerous vehicles parked behind the greenery so they did have to view from their yard and it was an eye soar for them. Ms. Novak said that she very nicely went over and spoke with the petitioner's wife and told her these vehicles were not plated or expired and they were assured they would take care of this issue; thirty days later it was still in the same condition.

Ms. Novak said at that point she contacted the La Porte County Sheriff's Department and they came out to her home and viewed what they viewed and they went over there and tagged the vehicles and they had ten days to remove them.

Dwayne Hogan asked the outcome of that.

Ms. Novak said that they moved the vehicles and as of this point they do not put any vehicles in her view. Ms. Novak said that there are still a couple automobiles there. Ms. Novak said that it is their consensus that if this variance is granted it could become back how it was in 2004 when they had to call the police.

Ms. Novak is up at the bench showing pictures to the board of this property.

Ms. Novak said that they have lived there since 1989 and they plan on living the rest of their years there.

Dwayne Hogan asked Ms. Novak if her house is right next to this property.

Ms. Novak said that their property touches. If they stop parking all their vehicles behind the greenery, they would have a beautiful view of their back yard.

2. Stan Hynek, 6352 E. US Highway 20, said he has a farm on Bootjack Road with one hundred five acres. Mr. Hynek said that he never received a letter nor did another neighbor see a letter on this variance.

Paul Zona asked Mr. Hynek if the other party that wasn't notified knew that you were coming here tonight.

Mr. Hynek stated yes, but he's in the hospital.

Attorney Biege asked Mr. Hynek the name of the other neighbor.

Mr. Hynek said Harold & Shirley Newcomb.

Paul Zona asked if they adjoin this property.

Mr. Hynek stated yes.

Attorney Biege said that the two individuals are not listed on the adjoining property owners list by the Building Commissioner's Office.

Mr. Hynek is up at the bench going over the site plan of adjacent land owners.

Annemarie Polan, Building Commissioner told attorney Biege that the petitioner's get their adjacent land owners through the real estate office.

Dwayne Hogan asked Mr. Hynek if there was anything else he wanted to say.

Mr. Hynek said that he doesn't mind him having a business, but when you give a variance for a used car lot, that means you don't have to have license plates on the cars. Mr. Hynek said that you could have one car, or you could have fifty cars and never move them and piled up. Mr. Hynek said that if he wants to run his business, he thinks that every car that's there should have a current license plate and there should be no more than five cars parked outside on a single

residence or business. Mr. Hynek said that if he builds a subdivision out there, he doesn't want to have a business because he wants to have some nice houses out there.

Mr. Hynek said that as far as a car fixing up business, he can see that, but with a limited number of cars to be out there.

3. Michael Chlebowski, 6257 E. US Highway 20. Mr. Chlebowski said that he wasn't notified of this variance and he lives right next to him. Mr. Chlebowski said that he is with Mr. Hynek actually with what he said. Mr. Hynek said that he doesn't have a problem with this. Mr. Chlebowski said that the dynamics of the neighborhood is quite, safe and peaceful country living. Mr. Chlebowski said that his next door neighbor has a small engine repair business and it is not an issue. Mr. Chlebowski said that what he doesn't want is a junk yard in his back yard.

Mr. Chlebowski said that the other couple that came up and spoke brought up a very good point with the disposal of oil fluids in the proper way. Mr. Chlebowski said that if he is a certified mechanic he's sure he would do that. Mr. Chlebowski said that he doesn't want to see a junk yard.

Dwayne Hogan asked if there were any other remonstrators here.

Attorney Biege said that for clarification for the board, when these Petitions are brought to the Building Commissioner's Office, they are then sent to the real estate office, who then gives that petitioner a list of adjoining property owners. Attorney Biege said that if someone did not receive notice, those names that were given this evening were not listed on that complaint.

Attorney Biege said just so the board knows, that is not an act that Mr. Blint did or did not do.

Annemarie Polan, Building Commissioner said that Mr. Blint did what he was supposed to do.

Margaret Rimmer, 6496 E. Bootjack Road, Rolling Prairie. Ms. Rimmer said that she use to live in Michigan City and she was thrilled to move into Rolling Prairie because it is country. She doesn't think that there should be a business. Ms. Rimmer said that they have children living on the street.

Paul Zona told Ms. Rimmer that Mr. Blint has had his business for two years already.

Margaret Rimmer said that she has seen those trashed cars behind in the back. Margaret said that it wasn't good. Ms. Rimmer said that she worries about more traffic. Ms. Rimmer said that a lot of people walk around there because it's a quite road. Ms. Rimmer said that the kids from the high school use it for their practice runs.

Dwayne Hogan asked if there were any other remonstrators.

Dwayne Hogan asked the board if there were any questions, comments, or concerns.

Melissa Mullins Mischke asked Mr. Blint how many cars he works on at any given time.

Mr. Blint said that it depends on how many people call him. Mr. Blint said that he could have five, eight or ten. Mr. Blint said the truck in the weeds he has to move. Mr. Blint said that he has been busy and have had other family issues. Mr. Blint said that he's trying his best. Mr. Blint said that he wanted to add onto his building for storage to put his vintage cars in so they wouldn't be outside. Mr. Blint said that this is going to stop him from doing this right now because he can't afford to do it right now. Mr. Blint said that he has had some unfortunate things happen.

Mr. Blint said as far as the oil goes he said that he burns it as waste oil and catches it all. Mr. Blint said that he didn't put a drain in his shop. Mr. Blint said that he doesn't want the ground to get contaminated.

Melissa Mullins Mischke asked if there were places where he can take the antifreeze.

Mr. Blint said that Safety (inaudible) can buy it.

Melissa Mullins Mischke asked about all the cars in the photo.

Mr. Blint said that four of the cars are customers that he's been working on in between things; he has to put the engine back in the Cadillac and it will be gone.

Melissa Mullins Mischke said that she counted eight cars.

Mr. Blint said that there is going to be a bunch of them gone. Mr. Blint said that he's trying to take care of his dad ever since he lost his mom. Mr. Blint said that his father is living with him and he's trying to take care of him and work on cars. Mr. Blint said that the white truck behind his building is what he keeps his driveway open with.

Melissa Mullins Mischke asked Mr. Blint how many of those cars are actually plated and registered.

Mr. Blint said that there are probably four that are not.

Melissa Mullins Mischke asked Mr. Blint if those were his cars.

Mr. Blint stated yes, but some of them are going to be gone.

Melissa Mullins Mischke told Mr. Blint that he heard the concerns of the neighbors and there is an ordinance in the county that requires cars to be registered and plated.

Mr. Blint said as far as selling the cars, he doesn't have to sell them. Mr. Blint said that he didn't want to put that down in the Petition, but the building department told me that I should put it on just in case. Mr. Blint said that selling cars isn't a big deal to him. Mr. Blint said that he understands the concerns, but he's trying to get things cleaned up so he only has a few as far as customers go.

Melissa Mullins Mischke said that she's hesitant to grant this variance based on the amount of vehicles that she has seen outside. Melissa said that she lives in a rural area herself, and she knows that there are times when you see cars out. Melissa said for the record, her neighbor is her dad.

Mr. Blint said that he is going to scrap some of these cars.

Melissa Mullins Mischke said that she's very hesitant to grant the variance based on the amount of vehicles that she's seeing in the photographs that are out and un-registered, versus having a building up where you can store the vehicles.

Mr. Blint said that he has a pole building up and he was going to add twenty (20') foot on the back so he can get that stuff in there. Mr. Blint said that if he has enough money, he still would like to do that so he doesn't have stuff sitting outside where people can see it. Mr. Blint said that it is his intent and that was his intent after his daughter's graduation party. Mr. Blint said that he lost his mom on July 6th and now he has this to deal with.

Mr. Blint said that he didn't know he had to have a work permit.

Annemarie Polan, Building Commissioner told Melissa that this property used to be zoned Local Business and that was permitted when he first moved there. Annemarie said that if you look at the current zoning, actually this fits that zoning. Annemarie said that she has been out there a few times and there were fewer and fewer cars.

Paul Zona asked Mr. Blint if sixty days from now gave him more time to get everything cleaned up.

Mr. Blint said that he's doing the best he can.

Paul Zona told Mr. Blint that he doesn't like seeing them in the weeds.

Mr. Blint said that was his personal truck.

Paul Zona said not the truck; he has seen other vehicles in the weeds in back.

William Eaton told Mr. Blint that he has tires sitting around.

Mr. Blint said that those are going to be gone also.

William Eaton said that you have rain and mosquitoes; we have west Nile

Attorney Biege said that in the mean time he wants to verify that he has the correct list on the adjoining property owners. Attorney Biege said that if somebody was missed, we'll send you a letter to let you know who that is and you will have to provide them with notice.

Paul Zona made a Motion that the Petition for Donald Jr., & Charlotte Blint be postponed until October 16, 2012 meeting giving him time to get everything cleaned up, picked up and looking nice. William Eaton seconded.

Dwayne Hogan asked if there were any questions or concerns.

All approved. Motion carried 5-0.

5. **The Petition for Stewart & Barbara Mills** to construct a new home with the rear yard setback of fifteen (15') feet from the required twenty-five (25') feet. This property is located just west of Arrowhead Trail, Michigan Twp., zoned R1B.

Legal work complete. Remonstrators present.

Stewart & Barbara Mills, 3941 Howard Avenue, Western Springs, Illinois.

Dwayne Hogan asked Mr. Mills what he would like to do this evening.

Mr. Mills said that they're here tonight because they would like to build a home in Duneland Beach Association. Mr. Mills said that when they were going through their regulations, they followed their setbacks and codes in their design. Mr. Mills said that when they got a further bit along, they talked to the Building Commissioner and found out that an attached garage in La Porte County requires twenty-foot (25') foot setback rather than a fifteen (15') foot setback the Duneland Beach Association requires.

Mr. Mills said that they're here tonight to ask for that variation of ten (10') feet. Mr. Mills said that a couple of reasons why they want to do that is because the lot is very heavily wooded so they pushed the house back a ways to save as many trees as they can. Mr. Mills said that also allows our houses to be lined up with the other houses on the street, instead of being pulled way up in front of the houses.

Mr. Mills said that they intend to put their septic in front.

Dwayne Hogan asked if the well is in the back.

Mr. Mills said that they have city sewer.

Mr. Mills said the one of the most important reasons they're doing this is Arrowhead Trail is kind of northwest of them is a much higher elevation. Mr. Mills said that Arrowhead Trail slopes down to their property and actually at the edge of the corner of their lot there is a rip-rap that somebody put in, whether it's the Association, or whoever, to drain that water onto their property. Mr. Mills said that the seller of the property said that this property has never flooded and there has never been a problem.

Dwayne Hogan asked Mr. Mills what kind of house he wants to build back there.

Mr. Mills said that they plan on building a single story house with dormers in the front and back.

Paul Zona asked Mr. Mills how many square feet the lot is.

Mr. Mills said that this is ninety (90) by one-hundred twenty six (126), which is eleven thousand five hundred (11,500).

William Eaton asked Mr. Mills what is on the back property where the twenty-five (25') feet is supposed to be.

Mr. Mills said that there is a row of trees and a chain link fence.

Mrs. Mills is up at the bench going over the site plan with the board members.

Dwayne Hogan asked Mr. Mills if he has already done the boring locations on this lot.

Mr. Mills stated yes. Mr. Mills said that they have actually applied for a septic permit at this point through the county.

Mr. Mills said that to follow your regulations, we don't feel that it would be injurious to other people; we feel that it will benefit than to hurt any other value.

Dwayne Hogan asked if there were any remonstrators here this evening for Petition No. 5.

Remonstrator:

1. Tom Riley, 3334 La Salle Trail, Duneland Beach. Mr. Riley said that he's here representing the Duneland Beach Association. Mr. Riley said that he is here this evening to support the petition. Mr. Riley said that there are differences in our rules and La Porte County Rules; one of them is that we insist on an attached garage. Mr. Riley said that the original plan had a detached garage, which was only ten (10') feet. Mr. Riley said that you are allowed to be only ten (10')

feet off your property line, not twenty-five. Mr. Riley said that they insist that the garage be attached so they back it up to fifteen (15') feet and install a breezeway to meet their requirements.

Mr. Riley said that the practical difficulty of this property is that it is in a low spot and retracts from two dunes that end up right there. Mr. Riley said that Mr. Mills idea of putting in a long gravel driveway in is a real good idea.

Mr. Riley said that he's here to support.

Dwayne Hogan asked if there were any other remonstrators for or against this.

Dwayne Hogan asked if there were any questions or concerns of the board.

William Eaton made a Motion for Stewart & Barbara Mills to construct a new home with rear yard setback of fifteen (15') feet from the required twenty-five (25') feet be granted. This property is located just west of Arrowhead Trail, Michigan Twp., zoned R1B. Melissa Mullins Mischke seconded.

Dwayne Hogan asked if there were any questions or concerns from the board.

Melissa Mullins Mischke said that she just wants to make sure that they put their address clearly visible from the street since their house is going to be back in a wooded area. Melissa said that this is just in case anyone could find you in an emergency.

All approved. Motion carried 5-0.

6. The Petition for Felimon Martinez to operate a flea market business every four weeks, April through November. This property is located at 6217 S. US Highway 35, La Porte, Washington Twp., zoned R1B

Legal work complete. Remonstrators present.

Felimon Martinez, 6217 S. US Highway 35, La Porte, Indiana.

Mr. Martinez said that he would like to have sales out of his driveway. Mr. Martinez said that he has glassware, furniture and tools. Mr. Martinez said that he started this two years ago.

Dwayne Hogan asked if he had a little business out there.

Mr. Martinez said that he does garage sales and he talked to Annemarie Polan and she told him to file this as a flea market and that doesn't have a problem with that. Mr. Martinez said that he

made a mistake because of he gave permission to a friend to put his car n his yard for sale. Mr. Martinez said that his brother had a stroke, and his brother-in-law had a stroke.

Mr. Martinez said that he works and he's asking permission to do a yard sale every four to six weeks.

Melissa Mullins Mischke asked Mr. Martinez if this is his only source of income.

Mr. Martinez said that he has been working in Michigan City and business has been slow for about four to five years. Mr. Martinez said that he does this on the side.

Mr. Martinez said that the Sheriff's Department told him that he didn't need permission to do yard sales.

Dwayne Hogan asked if there were any remonstrators here this evening for Petition No. 6.

Dennis Lantz, 6500 S. US Highway 35. Mr. Lantz said that he's directly across the street from Mr. Martinez. Mr. Lantz said that he hasn't had any problems with the family and they've been great neighbors. Mr. Lantz said that the only thing he wants the board to be aware of is that he has seen problems there. Mr. Lantz said that when he cuts his grass in front of his property he doesn't blow the clippings on the highway.

Mr. Lantz said that the County Police have told him that they could make that corner at one hundred miles an hour and not lose control of their vehicle as they go around that. Mr. Lantz said that when he pulls out of his driveway, it is directly across from 650 S., which is the road that takes you into the KOP Circle. Mr. Lantz said that he is glad that they sent him a notice.

Mr. Lantz said that his concern is it's not them, they have been good neighbors, but his concern is watching the traffic as you go around there. Mr. Lantz said that the school buses have it so that there is still a yellow flashing light from when his kids were on the school bus. Mr. Lantz said that they had a grain truck over tip barely missing the school bus and his daughter was hit on the right hand side of her car because there was a car coming around the curb and it was going too fast.

2. Robert Francis, 328 E. 650 S., La Porte, KOP Circle. Mr. Francis said that he deserves to make as much money as he wants from those yard sales, but it was bigger than a yard sale. Mr. Francis said that when it started two years ago it was fine, but it has gotten more and more and more. Mr. Francis said that it got too big and it's not organized. Mr. Francis said that he has had three people want directions to his house and he says that he tells people to turn left at the junk yard. Mr. Francis said that they have property values there. Mr. Francis said that they don't need anything else and all that he's asking is that he makes it not an eye soar.

Mr. Francis said that they should block it with a tall fence.

Glen Minich asked Mr. Francis how many cars he has seen on flea market or yard sales day there.

Mr. Francis said that isn't a regular thing. Mr. Francis said the cars might be there a couple of days and then they're gone.

Dwayne Hogan asked if there were any other remonstrators for or against this.

Dwayne Hogan asked if there were any questions or comments from the board.

Glen Minich asked attorney Biege what ordinance exactly applies to flea markets.

Attorney Biege said that there is no description or no limitation language from a business use standpoint.

Dwayne Hogan asked about a special exception.

Attorney Biege said that it's a special exception in B2 and as permitted in MD. Attorney Biege said that he thinks that it is industrial so it is permitted in one area and a special exception in B2. Attorney Biege said that he is saying this is R1B. Attorney Beige said that in some of our businesses we have a description in the code as to fencing. Attorney Biege said that they looked and there is nothing in the zoning code for this.

Paul Zona asked Mr. Martinez if this is granted if he could down scale and keep it away from the road a little bit. Paul also said that in between the time you have a sale can everything be kept in side.

Mr. Martinez stated yes.

Paul Zona made a Motion that the Petition for Felimon Martinez to operate a flea market business every four weeks, April through November be granted for a trial period of one (1) year. Hours of operation being 8:00 a.m. to 800 p.m., Friday, Saturday and Sunday every four to six weeks and possibly a green built, fence or the fast growing trees and with the stipulation that the frequency does not exceed six weeks.

Attorney Biege said that the thinks that we should be more specific if you want trees or something planted, green built or some kind of visible screen. Is this a requirement that he does this.

Paul Zona said that for the first year he will leave it up to Mr. Martinez.

William Eaton asked if there is going to be a sign.

Paul Zona asked Mr. Martinez what size sign.

Mr. Martinez said that the sign he puts out there 3x3.

Paul Zona said that the sign is not to exceed 4 foot by 4 foot.

William Eaton asked if that would be portable.

Paul Zona said the sign is up for three days and then it is to be taken down.

Dwayne Hogan asked when this is going to start.

Mr. Martinez said a couple more this year.

Dwayne Hogan said that he has a Motion.

William Eaton seconded. All approved. Motion carried 5-0.

- 7. The Petition for Robert & Nancy Madaras (owners) and Sherri Schoof (renter),** to place another mobile home and continue variance that was granted February, 2009. This property is located at 1656 W. Springville Road, La Porte, Springville Twp., zoned R1B.

Legal work complete. Remonstrator present.

Paul Zona said that trailer is going to be free rent because they don't have to pay rent on that.

Sherri Schoof said that those are her parents and they don't charge her rent, but she mows lawn and weeds. Ms. Schoof said that when you went out to take pictures it was a little behind because the lawn mower broke four times this year and she just finished working on that today.

Paul Zona asked Sherri if her purpose for the trailer there is for you to take care of your parents.

Ms. Schoof stated correct and her mother just broke her ankle in ten spots so they had to build ramps in the house and outside of the house. Ms. Schoof said that her parents are 69 and 72. Ms. Schoof said that she has been there all her life except for one year she wasn't at the home because she was in and out of the hospital for cancer treatments with her husband. Ms. Schoof said that in August her husband wanted to be with his father.

Melissa Mullins Mischke told Ms. Schoof that we have to look at the legal work.

Attorney Biege said that there is a signature from Shady Grove Mobile Homes which is a copy. Attorney Biege asked Ms. Schoof if she had the original.

Ms. Schoof said that was sent down to Florida. Ms. Schoof said that her neighbor runs the trailer park and she may have copied and gave her the wrong copy. Ms. Schoof said that Jim Howard was sent a certified letter and he did sign that and return that.

Attorney Biege asked Ms. Schoof if she had a card because he just has the receipts.

Ms. Schoof said that is all the post office gave her.

Attorney Biege said that this proves you tried to mail it. Attorney Biege told Ms. Schoof that he will sign a green card and it will come back to you and that is what proves you got it.

Ms. Schoof said that she will check with her neighbor, but she probably gave her the wrong copy.

Attorney Biege said that the publication is adequate and we have a certified mail attempt to Dunes Reality, LLC as well as Jimmy Howard and Shady Grove Mobile Homes, signed by Jimmy Howard on a copy. Notice is adequate.

Dwayne Hogan asked Ms. Schoof her name and address for the record.

Sherri Schoof, 1666 W. Springville Road.

Dwayne Hogan asked Ms. Schoof what she would like to do this evening.

Ms. Schoof said that she would like to put a nicer mobile home on the property so she can set it up like her husband and she first had it. Ms. Schoof said that two years ago she left the home to take care of her husband. Ms. Schoof said that they went and resided with his father for a while.

Dwayne Hogan asked Ms. Schoof how long the mobile home has been there.

Ms. Schoof said that this will be her second attempt for a variance.

Melissa Mullins Mischke asked Ms. Schoof if she had a variance granted in 2009.

Ms. Schoof stated correct.

Melissa Mullins Mischke asked Ms. Schoof how long that variance was good for.

Ms. Schoof said it was granted for three year.

Melissa Mullins Mischke said out of curiosity, what is the year of the mobile home that is currently there.

Ms. Schoof said that she believes that it is a 1984 or 1986.

Melissa Mullins Mischke asked the year of the mobile home that she wants to place there now.

Ms. Schoof said that it is two lots down at Julie Hill's home and you guys asked that she remove the mobile home from her property because her aunt or relative passed away. Ms. Schoof said by not only doing herself a favor she would be helping her out by moving her mobile home to her property.

William Eaton asked Ms. Schoof what she is going to do with the mobile home that is already there.

Ms. Schoof said that she is hoping that Shady Grove will move it over there and destroy it, if not, she will have to do it herself with a help from a little friends.

Dwayne Hogan asked if there were any remonstrators here this evening for Petition No. 7.

Remonstrator:

10. Donald I. Bormann, 1533 W. 450 North.

Mr. Bormann said that he signed for a permit for this trailer a few years ago and he didn't really know the people. Mr. Bormann said recently within the last year, vehicles from that property have come onto his property and damaging it grossly. Mr. Bormann said that they were going to his neighbor, Eric Keller and stealing farm equipment.

Mr. Bormann said that two of the cohabitants there are now incarcerated. Mr. Bormann said that one of them came to his house threatening him and threatening to take over his house.

Mr. Bormann said this is why he violently opposes this. Mr. Bormann said that he doesn't want any more people on his property. Mr. Bormann said that the police should have made more of this deal.

Mr. Bormann said that he also had is machine shed broken into and lost about ten to fifteen thousand dollars worth of stuff that was scrap. Mr. Bormann said that in a two week period twenty one machine sheds in the area were robbed and stuff scraped at salvage yards.

Dwayne Hogan asked if there were any other remonstrators this evening.

Dwayne Hogan asked if there were any questions, comments or concerns of the board.

Sherri Schoof said that wasn't her and she has never been on that man's property. Ms. Schoof said that he assumes that it is her nephews, but she doesn't know if there is any proof to that. Ms. Schoof said that they don't reside with her. Ms. Schoof said that she resides in that trailer herself and a five year old niece and nephew stay with her often.

William Eaton told Ms. Schoof that there is a Buick automobile sitting on this property.

Ms. Schoof said that is a racecar that is being ready to be put on Craig's list.

Ms. Schoof said that the brush pile will hopefully be burned by this weekend.

Glen Minich said told Ms. Schoof that it would be nice if we could see the trailer that is going to be put on this property.

Melissa Mullins Mischke said that she would like to see the property cleaned up.

Glen Minich made motion to postpone this to see this property cleaned up and how it's going to be maintained. Glen said that he would like to see the trailer that is replacing this trailer.

Melissa Mullins Mischke asked Ms. Schoof if she could take pictures of the inside and outside of this trailer.

Ms. Schoof stated yes. Ms. Schoof said that actually if you drive down Springville Road you could see the two lots down from her lot is where Julie Hill's trailer is sitting. Ms. Schoof said that it is a light blue and next to a brick home. Ms. Schoof said that it is a really nice home.

Glen Minich asked Ms. Schoof how long she thinks this is going to take to clean this up.

Ms. Schoof said that she has all that done. Ms. Schoof said that the brush pile with be burnt from the last storm we had.

Glen Minich said why don't we give this sixty (60) days and then we can have the neighbors testify that it is being maintained.

Paul Zona said that we should give here thirty (30) days because she could probably finish it up.

Glen Minich made a Motion that we postpone this Petition for thirty (30) days to September 18, 2012 at 6:00 p.m. Paul Zona seconded.

Dwayne Hogan asked if there were any other questions from the board.

Melissa Mullins Mischke said that she just wants to make sure that on the 18th you're going to bring photographs of the proposed mobile home and photographs of the property. Melissa told Ms. Schoof that if she gets any green cards back to bring those with her.

Dwayne Hogan said that they will make a field trip out there to look at it.

Mr. Bormann said that he understands in order to get a mobile home you to have a variance assigned by the neighbors.

Melissa Mullins Mischke told Mr. Bormann that they actually issue the variance. Melissa told Mr. Bormann that is the whole purpose in coming in front of the board.

Mr. Bormann asked if the neighbors had to sign for it.

Dwayne Hogan told Mr. Bormann that he was notified.

Melissa Mullins Mischke asked Mr. Bormann if he received something in the mail, or did someone come to your house and show you that is what they wanted to do.

Mr. Bormann said that she brought one over to him which he refused to sign, but he doesn't know if the other neighbors received anything.

Dwayne Hogan told Mr. Bormann that he's here this evening.

Paul Zona said that is notification enough.

All approved. Motion carried 5-0.

8. The Petition for Silvia C. Carrillo and Diana Arce to place a mobile home for residential use. This property is located at 0148 W. 975 S., Union Mills, Union Twp, zoned AG.

Legal work complete. Remonstrator present.

Silvia Carrillo, 147 W. 975 South.

Claudia Torres, 2117 White Oak Avenue, Whiting, Indiana. Ms. Torres told the board that she is Sylvia's niece.

Ms. Carrillo said that Claudia came with her because her English is not very well and she can speak for her.

Ms. Torres said that she wants to put a mobile home on her land for residential use and she is asking for three (3) years.

Dwayne Hogan asked if she has intentions of building there.

Ms. Torres stated yes. Ms. Torres said that she's not sure when, she just bought this mobile home and she didn't find out everything they needed to do before they came to La Porte. Ms. Torres said that is really time constraint and they don't have the money right now to build.

Dwayne Hogan asked how much property is there.

Ms. Torres said about five (5) acres.

William Eaton asked if there is a shed on that property.

Ms. Torres said it is a pole barn.

William Eaton asked if that house burnt down.

Ms. Torres stated yes.

Paul Zona said that she ordered a house and it isn't nine hundred fifty square feet.

Ms. Torres said that she ordered a house before they found out anything. Ms. Torres said the house was built exactly how they wanted it, but they didn't know what you guys were asking for wasn't the exact measurement required to put it on the land, so they were kind of stuck and don't have any other choice than to come up with another twenty grand to build more on the house, or putting it for sale.

Paul Zona asked if it is a regular pre-fab house.

Ms. Torres said that it is considered a mobile home according to him.

Board members speaking amongst themselves.

Dwayne Hogan asked if there were any remonstrators here this evening.

Remonstrator:

1. Chuck Morris, 0108 W. 1000 S., Union Twp. Mr. Morris said that he is all for this. Mr. Morris said that these people have cleaned it up. Mr. Morris said he would be proud to have them next door to him.

2. Mark Perry, 9632 S. Range Road, Union Mills, Indiana. Mr. Perry said that these people seem nice enough, but he has a problem with a single wide going up and setup on blocks. Mr. Perry said that they've cleaned it up.

Dwayne Hogan told Mr. Perry that it is on a solid foundation, not block.

Mr. Perry asked if it is going to be on a poured foundation.

Dwayne Hogan stated yes. Mr. Hogan said it's a manufactured home, but smaller and it has a foundation.

Mr. Perry said that originally they told him they were going to have an actual single wide. Mr. Perry said that he didn't know it was going on a permanent foundation.

William Eaton asked Mr. Perry how long he has lived there.

Mr. Perry said 2000.

William Eaton asked Mr. Perry if he knew the house that burnt.

Mr. Perry said that he's talking about a trailer.

Paul Zona told Mr. Perry it's probably better than anything that has already been there.

Glen Minich said that the pitch of the roof would tell us a lot.

Board members speaking amongst themselves.

Melissa Mullins Mischke asked if they knew the company where they are purchasing this home.

Ms. Torres stated yes.

Melissa Mullins Mischke said that they're trying to determine if their mobile home sales were manufactured homes.

Board members speaking amongst themselves.

Dwayne Hogan asked if there were any other questions, comments or concerns from the board.

Attorney Biege said that this is really a variance for developmental standards for square footage.

Paul Zona said that is correct.

Glen Minich asked what the minimum is allowed.

Attorney Biege said eight hundred square feet on the first floor.

Dwayne Hogan asked what the dimensions are.

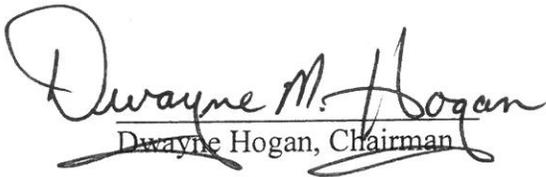
Paul Zona said that it is 16 x 76.

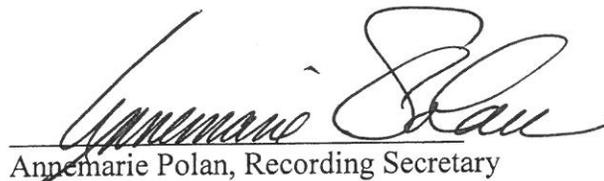
Paul Zona said that they have twelve hundred square foot.

Paul Zona made a Motion that the Petition for Sylvia C. Carrillo and Diana Arce be granted.

Attorney Biege said that for the BZA's information, they expect to present an ordinance to the County Commissioners having to do with conduct with Sexual Oriented Businesses. Attorney Biege said that in addition, they will present a proposed amendment to the Planning Commission to amend the adult entertainment section of the joint zoning ordinance to be in compliance.

There being no further business this evening, meeting adjourned at 8:25 p.m.


Dwayne Hogan, Chairman


Annemarie Polan, Recording Secretary