



**LAPORTE COUNTY
BOARD OF ZONING APPEALS**

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**ANNEMARIE POLAN
Building Commissioner**

November 20, 2012

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, November 20, 2012, at 6:00 p.m. in the Assembly Room of the County Complex.

MEMBERS PRESENT: Dwayne Hogan William Eaton
 Glen Minich Melissa Mullins Mischke
 Paul Zona

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 October 16, 2012.

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

All approved. Motion carried 5-0.

Dwayne Hogan said that Petition No. 3 will be heard first this evening.

3. The Petition for Laura & Rich Ostergren for placement, height and design of a billboard. This property is located at 5888 N. US Highway 35, La Porte, IN Springfield Twp, zoned R1B.

Legal work complete. Remonstrators present.

Dwayne Hogan asked for name and address for the record.

Richard Ostergren, 15 Elm Drive, La Porte, Indiana.

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

Mr. Ostergren said that he's applying for a billboard with the issue of height and size and whatever else is necessary.

Paul Zona said that before we go any further, Mr. Zona asked Mr. Ostergren if he was putting the sign on Interstate 94, or Highway 35.

Mr. Ostergren said that he's putting it on Interstate 94.

Mr. Ostergren said that this billboard was previously permitted a few years ago from the State of Indiana, which he never acted on. Mr. Ostergren said that there are basically two reasons why he's trying to proceed now. Mr. Ostergren said that he wants to create more business so he can stay in business and to be pro-active with the Gentleman's Club. Mr. Ostergren said that if he uses the spot for his business that is one less spot for the Gentleman's Club because the Gentleman's Club lifeline is billboard advertising.

Mr. Ostergren said that his intent is only to use it for Serenity, or other businesses that he may do business within the county. Mr. Ostergren said that Serenity Springs has been in business for thirteen years; they've won the annual Visitors Bureau Award several times and the Lt. Governor's Hospitality Award. Mr. Ostergren said that they have had guests stay from over twenty states. Mr. Ostergren said that it has been stated by many experts from State and Economic Development that tourism is the first step to economic development.

Melissa Mullins Mischke asked Mr. Ostergren if he has anything that shows the exact location where he wants the sign to go.

Mr. Ostergren is up at the bench going over the site plan.

Dwayne Hogan asked if there is an existing sign there now.

Mr. Ostergren stated no. Mr. Ostergren said that the question was asked where the closest sign is and he believes that it is west a mile away.

Dwayne Hogan asked Mr. Ostergren if it is his intent to take care of a sign first before someone else wants it.

Mr. Ostergren up at the bench going over the site plan.

Paul Zona asked Mr. Ostergren if he has height and a design.

Mr. Ostergren said that it would be a standard 14x48 single pole highway sign.

Dwayne Hogan asked if the sign would have lights.

Mr. Ostergren stated yes. Mr. Ostergren said that his plans are to have it electronic.

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

REMONSTRATORS:

1. Trace Ostergren, 15 Elm Drive, La Porte, Indiana. Mr. Ostergren said that he would like to speak on behalf of Shady Creek Winery.

Mr. Ostergren read a letter into the record.

Regarding the Petition for Ostergren Billboard Agenda, item 3, for November 20, 2012.

The Honorable Board Members: The I-94 Exit 40 area is currently nondescript and provides little reason for travelers to stop and visit Serenity Springs and the Ostergrens have single handedly brought a thousand visitors to this area through their own creative marketing and this impacted many businesses in a very positive way, including his own.

Many visitors have commented that this area is so hard to find due to lack of signage. I urge the board to support the growth of good and positive influences in the area and I thereby support the approval of the billboard structure on the subject property. Sincerely, Tim Anderson, President of Shady Creek Winery.

2. Brett Wyse, 2754 N. Jongkind Park Road, La Porte, Indiana. Mr. Wyse said that he has been in the restaurant management for the last ten years and he has had a personal business relationship with Rich & Laura. Mr. Wyse said that he basically feeds all the cabins; anybody that stays there. Mr. Wyse said that the cool thing is that anybody that stays at Serenity Springs, they always have them go out to Shady Creek Winery, Friendship; everything that is local about La Porte County. Mr. Wyse said that he would like to see everything continue and this is a great cause.

Paul Zona asked Mr. Wyse what restaurant he is affiliated with.

Mr. Wyse said Chili's was the last one he was at. Mr. Wyse said that he is actually out of the restaurants now and he's kind of doing it on the side.

3. Mike Pierzakowski, 3511 W. Johnson Road. Mr. Pierzakowski said that he is here on behalf of Aurelios Pizza. Mr. Pierzakowski said that they do business with Serenity Springs. Mr. Pierzakowski said that it will help them out too.

4. Ed Loniewski, 5848 N. US Highway 35. Mr. Loniewski said that he is a neighbor of Mr. Ostergren and he thinks that it is a good idea for his business. Mr. Loniewski said that he would much rather see that sign up than a strip club sign.

5. Sara Scartozzi said that they own Scartozzi Trattoria, 822 W. Karwick Road and they've been doing business with Serenity Springs for quite a few years now. Ms. Scartozzi said that it is an ongoing year around business for them and they're all for this. Ms. Scartozzi said that it is good for the town.

Dwayne Hogan asked if there were any more remonstrators.

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

Attorney Biege told Mr. Ostergren that he's trying to figure out what he's asking for. Attorney Biege told Mr. Ostergren that he's asking for a variance for use; this is a residential area so you're asking for a billboard in a residential area, is that correct?

Attorney Biege told Mr. Ostergren that there are two types of variances that he asking for. Attorney Biege said that one is use because it is in a residential area.

Mr. Ostergren said that it is on his business and his business is zoned residential.

Paul Zona said that it is also on I-94.

Attorney Biege said that billboards are not allowed in residential areas. Attorney Biege told Mr. Ostergren that he's also asking for dimensional – size.

Mr. Ostergren said that the size is permitted.

Attorney Biege asked Mr. Ostergren how high he was going to go on the height.

Mr. Ostergren said that he believes that they recommend thirty feet over the road. Mr. Ostergren said that he believes the ordinance is thirty feet.

Attorney Biege said that you are looking at seventy five feet.

Attorney Biege said that the ordinance says thirty feet above the median ground level.

Paul Zona said that right across the street there is a sign two hundred feet in the air.

Board members speaking amongst themselves.

Mr. Ostergren said that he would suggest a standard billboard height.

Dwayne Hogan asked who is constructing the sign.

Mr. Ostergren said that he is taking bids. Mr. Ostergren said that there are a lot of national companies that do signs.

Attorney Biege asked Mr. Ostergren if he's asking for any variance for setback requirements.

Mr. Ostergren stated no. Mr. Ostergren said that he thinks the setback would be controlled by the State of Indiana.

Attorney Biege said that La Porte County has setbacks also.

Mr. Ostergren said that he thinks that the State allows you to go up to the right-of-way.

Attorney Biege said that in addition to that, assuming there is a variance granted for residential, you also can't be within five hundred feet or three hundred feet to any church, hospital, school, cemetery or government building.

Attorney Biege told Mr. Ostergren that he if wants it lit within five hundred feet of a residential district it may not be illuminated between the hours of 10:00 p.m. and 6:00 a.m.

Mr. Ostergren said that he's asking for that.

Attorney Biege said that we have a new code and he wants to make sure what we're asking for.

Attorney Biege said that there is also a requirement that you first obtain a permit with INDOT.

Dwayne Hogan asked attorney Biege if we're first, or INDOT is first.

Attorney Biege said that the zoning code says that the billboard permit shall first be obtained from the Indiana Department of Transportation.

Mr. Ostergren said that he's been working with Annemarie and also with the office.

Annemarie Polan, Building Commissioner told the board members that Mr. Ostergren has been up to the office several times.

Attorney Biege said that we can make it contingent upon INDOT.

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

Paul Zona made a motion that the Petition Laura and Rich Ostergren for placement of a billboard approximately seventy five feet tall from bottom ground level with a V shaped 14x48 be granted, with the contingent that INDOT be acceptable with our recommendations and that the sign is followed with side setbacks as State Law allows and a sign and illuminated light.

Attorney Biege asked if it could be illuminated beyond the 10:00 p.m. to 6:00 a.m. restriction within five hundred feet of a residential district.

Paul Zona said within that area the State has lights on from sundown to sunset; the gas station has lights on past 10:00 p.m. Mr. Zona said with the illumination of that around there he doesn't see a problem with it.

Paul Zona said that it can be illuminated twenty four seven if they want to.

Attorney Biege said a variance for a use in residential area.

Paul Zona said a variance for use in a residential area.

Dwayne Hogan asked if he could have a second.

Melissa Mullins Mischke seconded.

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

Glen Minich was talking about making the billboard electronic then just a lit sign.

Paul Zona asked if he's talking the foot electronic.

Glen Minich stated no.

Paul Zona said a traditional LED sign.

Attorney Biege said that he thinks the code assumes that it can be electronic illuminated, but then has restriction as to what it can do. Attorney Biege said that the billboard is prohibited from having moving, oscillating or other distracting parts that distract drivers. Attorney Biege said that it may be illuminated so long as it is directed in such a manner that incidental light generated falls on the sign face; shielded such that that the light is not visible to traffic or surrounding business. Attorney Biege said that the use of animated electrical signage shall be prohibited.

Mr. Ostergren said that he believes that it discusses how often it can change and it is written in the zoning book, but he doesn't know if it is ten seconds or twenty seconds, but whatever that is he would comply.

Attorney Biege said that La Porte County intended to be more restrictive than INDOT. Attorney Biege said that if the board were inclined to grant a variance, he would suggest if the board is going to allow illumination or the LED that they grant a variance from Section G now drafted arguable, making any requirements for change subject to INDOT requirements, which are more specific than what our code allows.

Paul Zona said that he would also like to add to his motion that our lawyer check with Section G and rewrite some kind of an addendum to meet subject to INDOT.

Attorney Biege said that we're essentially granting a variance for the requirements of Sections G, subject to INDOT.

Attorney Biege said so we're going to grant a variance for height of the seventy five feet; we're going to grant a variance to allow illumination within five hundred feet of a residential area for twenty four seven; we're going to allow a variance for use in a residential area and we're going to make this contingent upon the issuance of DOT permit. We're granting a variance from Section Code B 19.04 B, 3 through G subject to INDOT requirements.

Melissa Mullins Mischke said that she's concerned about the flashing.

Melissa Mullins Mischke told Mr. Ostergren if that is his intent she's going to withdraw her second.

Mr. Ostergren said that this is in your code requirement and he's not asking for anything more than what is already in there. Mr. Ostergren said that he's living with what is in there.

Mr. Ostergren said that it won't be moving. Mr. Ostergren said if the requirement is twenty seconds they would change that.

Melissa Mullins Mischke seconded.

All approved. Motion carried 5-0.

- 1. The Petition for Laura & Rich Ostergren** to reconstruct existing home with front and rear encroachment setbacks. This property is located at 13 Elm Drive, La Porte, IN, Center Twp., zoned Residential.

Legal work complete. Remonstrators present.

Rich Ostergren up at the bench going over his site plan with the board members.

Paul Zona told Mr. Ostergren what he has is three different lots roughly and you're making two houses on two lots when you're done.

Mr. Ostergren said actually his home is on two lots and there is a third lot.

Paul Zona told Mr. Ostergren that he's taking two lots and using one home on it.

Mr. Ostergren said his home will still be on one lot.

Paul Zona asked what was going to be on the other lot.

Mr. Ostergren said that is his neighbor's home.

Dwayne Hogan asked for name and address for the record.

Richard Ostergren, 15 Elm Drive, La Porte, Indiana.

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

Mr. Ostergren said that he basically wants to replace the existing home at 13 Elm Drive and build it in a rectangle extending it to the lake and extending closer to the road; instead of having the drive from the road straight in, having a side drive.

Paul Zona asked Mr. Ostergren what this is going to be used for.

Mr. Ostergren said that he just had a daughter get married and she'd like to take over his home and wants him to build a smaller home.

Melissa Mullins Mischke asked Mr. Ostergren if he had septic and well out there.

Mr. Ostergren said that they have sewer.

Melissa Mullins Mischke asked if it is city sewer.

Mr. Ostergren said city sewer, not water.

Annemarie Polan, Building Commissioner asked Mr. Ostergren if he completed everything for DNR.

Mr. Ostergren said that he did. Mr. Ostergren said that he has somebody here that can verify that they're closing the book on that.

Board members speaking amongst themselves.

Dwayne Hogan asked if there are any remonstrators.

1. James Laskarin, 302 Grayson Road. Mr. Laskarin said that he's for this remodeling and construction. Mr. Laskarin said that he's also a retired professional fireman and he knows from experience when you get new construction the wiring is better and we have less chance of fire. Mr. Laskarin said that with this improvement it will increase property values. Mr. Laskarin said his experience with Mr. Ostergren is that he does good work and he would like to see this motion passed.

2. Trace Ostergren 15 Elm Drive. Mr. Ostergren said that he's speaking on behalf of Craig Trusty who is a resident at 300 Grayson Road in La Porte, Indiana. Craig states that he apologizes for being unable to attend this evening's meeting, however his absence is due to his daughter giving birth to twins yesterday in Indianapolis. I had the opportunity to serve with Rich Ostergren on the Board of Pine Lake Conservancy District. Mr. Ostergren was instrumental in establishing a sewer system on the island, which inevitably led to the rise of every resident's property values. The replacement of an old home with a new home in any neighborhood will inevitably raise the value of the homes. Moreover, such an addition of a new home will also improve the neighborhood aesthetics.

Regarding setbacks, the island or peninsula possess an extremely unique variance blue print. This uniqueness stems from the peninsula's small lots as well as the peninsula's road and lake configurations. The current required setbacks do prohibit many property owners of creating any future improvements. I'm also aware that Mr. Ostergren had his overhead utility wires taken down and buried. This endeavor was again to raise the visual appeal of the street where he resides. If other neighbors also did so their respective utility wires, such would be another major improvement for all island residents. For the benefit of all property owners, I ask this board to grant Mr. Ostergren his requested variances. Sincerely, Craig Trusty, 300 Grayson Road, La Porte, Indiana.

3. Lou Panozzo, 7 Elm Place. Mr. Panozzo said that he passes Mr. Ostergren's house everyday and he'd like to see it torn down, it's kind of an eye soar. Mr. Panozzo said that any improvement would definitely increase his home value. Mr. Panozzo said that he's all for this.

Dwayne Hogan asked if there were any other remonstrators.

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

William Eaton made a Motion for Laura & Rich Ostergren to reconstruct existing home with front and rear encroachments setbacks. Property located at 13 Elm Drive, La Porte, Center Twp. be approved.

Glen Minich seconded.

Attorney Biege said that we're granting a variance for a ten foot front set back and five foot side set back. Is that correct?

William Eaton said that it doesn't say that.

Mr. Ostergren said that it's ten feet instead of twenty five feet in the front and five feet instead of ten feet on the sides.

Mr. Ostergren said that the side would be the same as what it is, but he doesn't think ---

Dwayne Hogan asked Mr. Ostergren if he knows what the side is.

Mr. Ostergren said that he'd say that it's probably five feet.

Paul Zona said that the whole island is that way.

Attorney Biege said that he needs a number for the front.

Melissa Mullins Mischke said that it's ten feet on the front.

Mr. Ostergren said that it's ten feet on the front and he's asking for whatever the existing is on the side.

Glen Minich said that looks like it's going to be awfully close to the neighbor's house. Mr. Minich asked if there are any concerns about a fire wall, or anything like that.

Board members speaking amongst themselves.

Voting Aye: Paul Zona, Glen Minich, William Eaton and Dwayne Hogan.

Voting Nay: Melissa Mullins Mischke

Motion carried 4-1.

- 2. The Petition for Laura & Rich Ostergren** to build a shed that will encroach upon front setback by 15' feet and side setback by 5' feet. This property is located at 13-15 Elm Drive, La Porte, Center Twp., zoned R1B

Legal work complete.

Rich Ostergren said that it isn't a shed, it's a existing garage that he's moving down the street.

Paul Zona asked Mr. Ostergren if he's eliminating the garage.

Annemarie Polan, Building Commissioner told the board members that Mr. Ostergren is moving his existing garage. Annemarie said that it is the same exact building.

Paul Zona asked if he's just moving this garage.

Board members speaking amongst themselves.

Board members have decided to table this matter until the December 18, 2012 meeting at 6:00 p.m. so that the board members could go out to this property to see where Mr. Ostergren is going to put his existing garage.

Melissa Mullins Mischke made a Motion that the Petition for Laura and Rich Ostergren to move a garage that will encroach upon the front setback by fifteen (15') feet and side set back by five (5') feet, 13 through 15 Elm Drive, be tabled to December 18, 2012 at 6:00 p.m.

Glen Minich asked Mr. Ostergren to put stakes up out there so they can see exactly where the garage is going to be set.

Mr. Ostergren said that he thinks this board has that because he basically laid out two by fours.

Glen Minich said that he understands that it is no closer than the other one, but now we have your new proposed house and this.

Attorney Biege asked how tall the structure is going to be.

Dwayne Hogan said two stories.

Attorney Biege said that the code says one story plus eighteen (18') feet, so you're also asking for a variance for height in addition to setback.

Annemarie Polan, Building Commissioner told attorney Biege that it is an existing building.

Attorney Biege told Mr. Ostergren that he would respectfully suggest that you clarify before you come back next time what you're asking the board to do.

Paul Zona told attorney Biege that it would be a new foundation, but the same structure.

Attorney Biege said that if the board is going to interpret this as a move, he's not sure if it's subject to a variance because it's preexisting.

Paul Zona said that is true.

Mr. Ostergren said that the setback is basically the same from the road.

Glen Minich and Paul Zona seconded.

All approved. Motion carried 5-0.

- 4. The Petition for James & Shirley North and Lillie North** for continued placement of a mobile home. This property is located at 13624 S. 600 W., Hanna, Cass Twp, zoned Agricultural.

Paul Zona made a Motion to move this to the bottom.

Melissa Mullins Mischke and William Eaton seconded.

All approved. Motion carried 5-0.

- 5. The Petition for Communications Properties, LLC**, by counsel, Ralph F. Howes for a Special Exception to erect a wireless communication tower. The proposed tower would be self supporting and would be 350 feet in height. This property is situated at the intersection of Johnson Road, County Road 500 West and County Road 250 North, zoned B-2. **(This matter is tabled to December 18, 2012 meeting at 6:00 p.m.)**

- 6. The Petition for Larry Burns and Kimberly Mooi Burns**, to place a mobile home on such property for the residence of Charles and Barbara Mooi, parents of Kimberly B. Mooi Burns who are 75 and 76 respectively. The Petitioners desire to have the mobile home remain on the property for only such time as both Charles and Barbara Mooi or the survivor of them can physically remain on the premises. This property is located at 7355 E. 400 N., Rolling Prairie, Wills Twp, zoned Agriculture.

Legal work complete. Remonstrator present.

Attorney Ralph Howes said that he's here representing Larry Burns and his wife Kimberly. Attorney Howes said that his clients presently reside just outside of Union Mills; they acquired property early this year at 7355 E. 400 N, Rolling Prairie. Attorney Howes said that it was originally an eighty (80) acre tract they surveyed off and retained a little over four (4) acres with a fair amount of frontage on 400 North. Attorney Howes said that part of the farm they retained had a house that was in very bad condition and some barns. Attorney Howes said that they are in the process of rehabbing that and intending to make that as their residence.

Attorney Howes said that Kimberly's folks presently reside in a mobile home park in Michigan City and they have a very attractive home.

Attorney Howes is up at the bench showing pictures to the board of the mobile home. Attorney Howes said that this is the home they intend on relocating to the property. Attorney Howes said that if this is permitted, there is a pole barn that sits behind some trees that they would use as the garage and place the mobile home.

Attorney Howes said that Kimberly's parents, Charles and Barbara are here this evening. Attorney Howes said that with their advancing age and some health issues it would be very helpful if they would be able to be watched over. Attorney Howes said that when the need no longer presents itself for the mobile home, it is out of there.

Attorney Howes told the board that Kimberly is here if they have any particular questions about this.

Melissa Mullins Mischke asked Kimberly to mark on the picture where they want to place the mobile home.

Kimberly Mooi Burns is up at the bench going over the site plan with the board members.

Kimberly Mooi Burns said that they have to have a separate septic, but they can use the same well, however they might have to separate the well also.

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

Melissa Mullins Mischke read a letter from November 20, 2012 to the La Porte County Building Commission from Vincent D. Wolf, 1350 Lakeside Street, La Porte. I hereby filed my objection to the above referenced zoning variance. My wife and I own property across the street from subject parcel and feel it would not fit in with existing home on 400 North. Thank you for considering our objection. Vincent D. Wolf.

Dwayne Hogan asked if there were any other remonstrators for Petition No. 6.

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

Melissa Mullins Mischke asked the year of the mobile home.

Attorney Howes said that it is a 1994.

Dwayne Hogan asked the size of mobile home.

Kimberly Mooi Burns said 14x68.

Paul Zona made a Motion that the Petition for Larry Burns and Kimberly Mooi Burns to place a mobile home be granted for a period of three years renewable, with the stipulation that it is skirted within thirty days of moving. This property is located at 7355 E. 400 N., Rolling Prairie, Wills Twp, zoned B-2.

William Eaton seconded.

All approved. Motion carried 5-0.

7. The Petition for Terry D. Kimmel to sell a buildable lot at 18 acres plus or minus with 63.75 feet of road frontage. This property is located at County road 1475 S. and C & O Railroad, across track from 5017 W. 1475 S., Hanna, Hanna Twp, zoned Agricultural.

Legal work complete. No remonstrators present.

Terry Kimmel, 5017 W. 1475 S., Hanna told the board that he has lived there for approximately thirty four years.

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

Mr. Kimmel said that he owns a parcel across the railroad track from him and the original intent was to build on that parcel at some point, but circumstances have changed greatly over the years; his first wife died and his mother died within five months after that and she was living with him where he lives now. Mr. Kimmel said that they did parcel off two acres (inaudible) who built a house on that. Mr. Kimmel said that he remarried in 2003 and we kind of kicked up the plan and thought about it; they've some health issues and his wife has had seven surgeries in a six year period. Mr. Kimmel said that his son was killed in 2007 and they've some health issues going on now and the parcel was never purchased as an investment property.

Mr. Kimmel said that he would like to sell this property and he's talked to a realtor. Mr. Kimmel said at the time they parceled off the two acres they talked to the county surveyor and the surveyor who ended up doing the plat.

Board members and Mr. Kimmel going over the plat.

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

Melissa Mullins Mischke made a Motion that the Petition for Larry D. Kimmel to sell as a buildable lot at 18 acres plus or minus with 63.75 feet of road frontage near 1475 S. and C & O Railroad in Hanna with no further subdividing be granted. Paul Zona seconded.

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

Glen Minich said that when we do this we're creating a buildable lot.

Paul Zona said one buildable lot on seventeen acres.

All approved. Motion carried 5-0.

8. The Petition for Craig M. Dwight and Pamela J. Dwight (Petitioners), by counsel, Bradley Adamsky to construct an accessory building on the setback of 21 feet on the front line, 8.50 feet to the west (side setback), 8.46 feet on the east (side setback), and 8.80 feet on the north (rear setback). This property is located at 396 Oak Drive, La Porte, Center Twp, zoned R1B

Attorney Biege said that publication notice was published on November 12, 2012 which is less than ten days, however he thinks that it is up to the board's discretion what the board wishes to do. No remonstrators present.

Dwayne Hogan asked other than time frame is everything else in order.

Attorney Biege stated yes.

Dwayne Hogan asked for name and address for the record.

Attorney Brad Adamsky said that he's here on behalf of the petitioner's Craig Dwight and Pamela Dwight, who are also here in the audience.

Dwayne Hogan asked attorney Adamsky what he would like to do this evening.

Attorney Adamsky up at the bench going over the site plan with the board members.

Attorney Adamsky said to be perfectly clear to the board, his clients are buying the property and they are adding an extension, but that is all within the code and that's not what we're here on this petition for. Attorney Adamsky said that the petition is actually across Oak Drive – the proposed carriage house. Attorney Adamsky said that the purple lines on the drawing what would be the setback lines. Attorney Adamsky said that they're going beyond the setback lines twenty one feet from the front 8.159 feet to the west, 8.46 feet to the east on the side setbacks and 8.8 feet to the north on the rear setback.

Attorney Adamsky up at the bench going over the site plan with the board members.

William Eaton asked attorney Adamsky what this house is going to be used for.

Attorney Adamsky said primarily for parking. Attorney Adamsky said that he believes that there will be rooms and storage above.

Dwayne Hogan asked if it would be livable.

Attorney Adamsky said not a permanent residence.

Dwayne Hogan asked if it's going to be a couple of week's residency.

Attorney Adamsky said perhaps. Attorney Adamsky said that he thinks that his clients may be able to answer that more specifically.

Craig Dwight, 1412 N. Jonathan Court, La Porte, Indiana. Mr. Dwight said that the Carriage House they plan to have mostly storage and a second floor with a longer term objective putting an apartment for guests that would come and visit them. Mr. Dwight said that it would not be long term or rental.

Paul Zona asked attorney Adamsky if there is enough land for the square footage of the houses of the two.

Attorney Adamsky said between the two lots yes. Attorney Adamsky said that has not been an issue.

Dwayne Hogan asked if there were any remonstrators here this evening for Petition No. 8.

Attorney Biege told attorney Adamsky that he said that the percentage coverage on the home is sufficient. Attorney Biege asked attorney Adamsky if he checked the percentage coverage on the proposed carriage house as it relates to that lot.

Attorney Adamsky said that if it separates out as a separate lot it is the same parcel.

Paul Zona asked if the carriage house property is the same parcel as the house.

Attorney Adamsky said no. Attorney Adamsky said that it is a different number.

Attorney Biege asked if we calculate the coverage percentage for the proposed carriage house, would you need a variance for that.

Attorney Adamsky said that they didn't request that. Attorney Adamsky said that we're looking at ----

Attorney Biege said that he wants to make sure we get covered on whatever variances are requested.

Board members speaking amongst themselves.

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

Dwayne Hogan asked the board's pleasure.

Glen Minich made a Motion that the Petition for Craig M. Dwight and Pamela J. Dwight (Petitioners), by counsel Brad Adamsky to construct a carriage house/guest house with plumbing on the a setback of 21 feet on the front line, 8.50 feet to the west (side setback), 8.46 feet on the east (side setback), and 8.80 feet on the north (rear setback) be granted. This property is located at 396 Oak Drive, La Porte, Center Twp, zoned R1B.

Attorney Biege asked if we could change that from a storage shed/future guest house. Attorney Biege said that he thinks that we need to indicate whether or not that will be living quarters.

Glen Minich said that the motion would read carriage/guest house.

Attorney Biege said that he's trying to find the plumbing provision for accessory structures.

Paul Zona said that this is a guest house; it's not an accessory house. Paul said that it is a carriage/guest house.

Attorney Biege said that it is still an accessory building.

Board members speaking amongst themselves.

Attorney Biege said that a guest house is considered an accessory building.

Glen Minich said that we're going to have to change that code. Glen Minich said to add plumbing to the motion.

Paul Zona seconded.

All approved. Motion carried 5-0.

4. The Petition for James & Shirley North and Lillie North for continued placement of a mobile home. This property is located at 13624 S. 600 W., Hanna, Cass Twp., zoned Residential.

Paul Zona made a Motion that that Petition No. 4 be moved to the December 18, 2012 meeting at 6:00 p.m. William Eaton seconded.

All approved. Motion carried 5-0.

Dwayne Hogan asked if there was any other business this evening.

Attorney Biege said to update the Board of Zoning Appeals tonight, simultaneously with this hearing, the County Commissioners read or heard issues surrounding Sexual Orientated Businesses licensing ordinance. Attorney Biege said that the Plan Commission next week will hear a Petition to amend the zoning code to alter the Sexual Orientated Business Section of the Zoning and also the Kingsbury Park Overlay District Ordinance was passed would be an amendment to the zoning code.

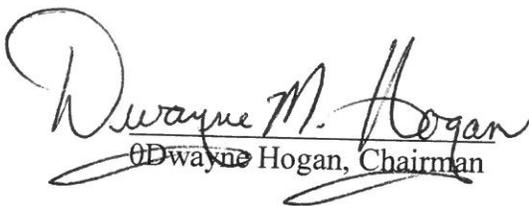
Melissa Mullins Mischke said that she would like to make a request to see when people turn in the site plans with their petition. Melissa asked if they could get those petitions in their packets beforehand.

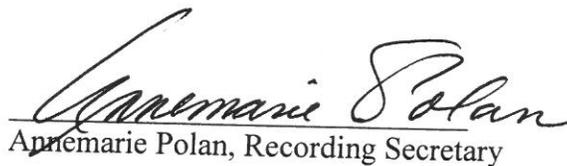
Annemarie Polan, Building Commissioner stated yes. Annemarie told Melissa that a lot of times on the mobile homes they don't supply that.

Mellissa Mullins Mischke asked that if we have that if we could supply that with the packet.

Annemarie Polan, Building Commissioner, said sure.

There being no further business, meeting adjourned at 7:30 p.m.


Dwayne M. Hogan, Chairman


Annemarie Polan, Recording Secretary