



## LAPORTE COUNTY BOARD OF ZONING APPEALS

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**ANNEMARIE POLAN**  
Building Commissioner

May 21, 2013

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, <sup>may</sup> ~~March~~ 19, 2013, at 6:00 p.m. in the Assembly Room of the County Complex.

MEMBERS PRESENT:      Dwayne Hogan              Wally Pritz  
   Glen Minich                  Melissa Mullins Mischke  
   Candice Adams

OTHERS PRESENT:        Annemarie Polan, Recording Secretary, Attorney Doug Biege;  
Darlene Pavey, Secretary

The Pledge of Allegiance.

Dwayne Hogan entertained a Motion for the approval of meeting minutes of April 16, 2013.

Melissa Mullins Mischke made a Motion to approve the meeting minutes as presented.  
Wally Pritz seconded. All approved. Motion carried 5-0.

1. The Petition for America's Christian Credit Union and the La Porte County Comprehensive Mental Health Council, Inc d/b/a Swanson Center to utilize the building for Swanson Center offices. This property is located at 7224 W. 400 North, Michigan City, Indiana, zoned R1B, Coolspring Twp.

Attorney Biege said service is adequate.

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

Mr. Milnick said that they're asking for a variance at 7224 W. 400 North. Mr. Milnick said he will bring up to speed very briefly on the history of the building. Mr. Milnick said that this was actually built in 1980 for the Landmark Christian Church. Sometime thereafter, in the 1980's the property was sold to the Michigan City Ares Schools, who used the facility as the Alternative

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High School. Sometime thereafter, the Michigan City Schools were going through some constrictions, the property was sold to Spoken Work Christian Church.

Mr. Milnick said that unfortunately they fell behind in their mortgage payments and it went into foreclosure and about eighteen (18) months ago it was transferred by Sheriff's Deed from Sheriff Mollenhauer to the lender, which happens to be American's Christian Credit Union, which is located in California.

Mr. Milnick said that he has several people that he would like to introduce this evening Mr. Milnick said that the first is Doctor Matt Burden, who is our CEO for the Swanson Center.

Dwayne Hogan asked for name and address for the record.

Matthew Burden, 312 Fieldstone Drive, La Porte.

Mr. Milnick asked Mr. Burden his present position with Swanson Center.

Mr. Burden said that he is Executive Director and CEO.

Mr. Milnick asked Mr. Burden how long he has held that position.

Mr. Burden stated almost four (4) years.

Mr. Milnick asked Mr. Burden if he is familiar with the proposal by Swanson Center.

Mr. Burden stated yes.

Mr. Milnick asked Mr. Burden if he has any comments.

Mr. Burden said that he would like to add a few comments. Mr. Burden said that it has been about four (4) years for him in his role as Executive Director. Mr. Burden said that it has been a tremendous honor to serve Swanson Center and what we do in the community. Mr. Burden said their mission as you may know is to provide expert and compassionate comprehensive mental health services to all of La Porte County and to local communities throughout.

Mr. Burden said regarding tonight's subject, we've had a property search committee at Swanson Center for many years looking for a permanent home after many years of renting space in the Marquette Mall Office Towers in Michigan City for those operations.

Mr. Burden said that there was consensus among all of them that this seems to be an ideal site since it had formally been a school and then a church, and always had a community purpose to it and they want to re-purpose it for a different kind of community purpose.

Mr. Burden said that this would be the main home for Swanson Center's Administrative Offices, which are currently also housed in Michigan City at the Marquette Mall Office Towers. Mr. Burden said that the financial department, billing department, human resources, medical records and clinical administrative resources will be at the new location. Mr. Burden said that they would also have their team of counselors, therapist, nurses and doctors who would be on site to provide out patient services; to give a sense of volume of those out patient services, we would expect to see no more than thirty (30) to forty (40) people at a peak period and that is in relation to about eighty (80) staff that would be there at any given time.

Mr. Burden said that most of the work they do is actually out in the community; that's why they're Community Mental Health. Mr. Burden said that he wants to clarify just a few things. We have a lot of terrific staff here tonight who can speak with expertise about the programming, but he wants to clarify a few things he has heard. Mr. Burden said that they're not closing the La Porte Office; there are no plans to do that whatsoever. Mr. Burden said they want to operate the La Porte site as it is. Mr. Burden said the La Porte site is behind Burger King and Arby's.

Mr. Burden said their regular business hours are Monday through Friday 8:00 a.m. to 5:00 p.m. Mr. Burden said that there are occasional nights that they have board meetings or some group sessions that would last until perhaps 8:00 p.m. to 9:00 p.m.; there is little, to no weekend activity.

Mr. Burden said that he wants to emphasize that people that are mentally ill are no more a danger to society than any of us as people. Mr. Burden said research has shown time and again, that people who seek out help are much more likely to be in recovery and on a path to recovery; and in fact people who are mentally ill are more likely to be victims of violence than their perpetrators of any type of crime. Mr. Burden said that we're simply talking about people needing help here. Mr. Burden said that some require help longer than others for long term issues; some require short term help. Mr. Burden said it is important to point out national estimates suggest that about one in four of us in our life time would experience a mental illness and almost half of us will experience some sort of mental illness in our life time. Mr. Burden said that substance abuse issues that you would have never expected happen to normal and everyday people.

Mr. Burden said that most of the work they do with their severely mentally ill clients occurs in the communities.

Mr. Burden said that they're very excited about this opportunity and he hopes what is said tonight will kind of alleviate concerns about who they are, what they do, and he would be happy to answer any questions throughout the evening.

Mr. Milnick asked Mr. Burden how long Swanson Center has been providing community mental health services to La Porte County.

Mr. Burden said since 1969. Mr. Burden said forty-four (44) years.

Mr. Milnick asked Mr. Burden how long they have been in their present location in the Marquette Mall.

Mr. Burden said that he understands about thirty-five (35) years. Mr. Burden said that is a long time to rent.

Mr. Milnick said also in support he would call Mr. Scott Pelath who happens to be the Human Relations for Swanson Center.

Scott Pelath thanked the Board for their thoughtful consideration. Mr. Pelath said that he would like to thank the residents who came out this evening because if we have the opportunity to serve the people of La Porte County at the location on 400 North, he thinks hearing some of their concerns will help make us ideal neighbors if we're blessed with that.

Mr. Pelath said that the real reason he's here this evening obviously it's not a secret, he's the State Representative for a portion of La Porte County, but also since 1999 he has been the Human Resource Director for Swanson Center. Mr. Pelath said he feels a little added layer of obligation to the folks he works with because he sees each and every one of them everyday and the work they do to make our community better.

Mr. Pelath said that he understands that there have been a few concerns, and frankly some of those concerns probably were expected. Mr. Pelath said that he thinks a few things we need to consider is we have to remember Swanson Center has been a wonderful neighbor in La Porte County for many many years. Mr. Pelath said at our Marquette Mall site they have been a very tolerant, but certainly happy steward for Swanson Center for many years.

Mr. Pelath said that they run the Shorewood residence living facility right smack dab in the middle of Michigan City; right smack dab in a residential area on Carroll Avenue not far from Joy School and it has been a very good facility for many years and ran certainly without incident in a way which helps our community heal.

Mr. Pelath said that he also wants to point out that in this particular area, we have to see what it has turned into. Mr. Pelath said his father grew up on Wozniak Road only a couple hundred yards where the site in question is located. Mr. Pelath said that it has changed quite a bit over the past few years, but it has maintained quality of life; we've seen medical facilities move in, both to the east and west of there, but very similarly types of operations; tons of public services that are utilized. The Fire Department, the Library, and there's a bank in the immediate vicinity.

Mr. Pelath said that one thing he thinks that is certainly important to address and he hears this on a public policy level. Mr. Pelath said he hears it on a street corner level; there is ongoing misconception about people with mental illness and what that actually means. Mr. Pelath said we

never can forget that people with mental illness, or people who have had mental illness are around us every single day.

Mr. Pelath said that fifty (50%) percent of Americans have some incident of mental illness in their life time. Mr. Pelath said that twenty (20%) percent of all Americans have some incident of mental illness within the past year. Mr. Pelath said that people need a resource they can seek out to get some assistance to get them through those tuff times and that is what Swanson Center does.

Mr. Pelath said that he can even speak for some of his own loved ones in his family who have sought services at Swanson Center. Mr. Pelath said that he promises that you would be happy to see them in your home. Mr. Pelath said that we have to remember what the profile is of people that get services from a place like Swanson Center.

Mr. Pelath said that he especially would like to say something about their staff who he is extremely proud of and some of them he hopes you get an opportunity to hear from this evening. Mr. Pelath said that they are extraordinary dedicated to the work they do, but the main mission that they serve to keep people out of hospitals; to keep them in jobs; to keep them from doing wrong things and to keep kids in school. Mr. Paleth said these things are not just to benefit the tax payer, they make our society here better; they make our community stronger. Mr. Pelath said that is what Swanson Center serves.

Mr. Pelath said that he hopes that people can take this great opportunity to learn a little bit more about mental illness, they way we tackle some of these problems and he would only ask for one thing and it's a bit of a personal plea. Mr. Pelath said that great folks live in the vicinity and regardless of the decision made here this evening; we're going to continue to think their great folks, because they are. Mr. Pelath said that they are concerned property owners like anybody should be, but he would just make a personal plea, think of the larger services provided; think of the health of the community as a whole and remember that we can be a tremendous neighbor.

Mr. Pelath said that if they're afforded this opportunity, they will work each and everyday to make sure they will be a good neighbor, not just the folks in the immediate vicinity, but to folks everywhere.

Mr. Pelath thanked the Chairman of the Board.

Dwayne Hogan thanked Mr. Pelath.

Mr. Milnick thanked Mr. Pelath.

Mr. Milnick said that he would like to take a moment to remind the board the structure of the existing building has been on the premises since 1980. Mr. Milnick said the building itself is

built on an existing acreage of about eleven point four three acres. Mr. Milnick said that he believes the property line north and south runs one thousand feet and the east west property line runs five hundred thirty four feet. Mr. Milnick said what they are asking for is the "Use Variance" only for the building.

Mr. Milnick said for some of the proposed improvements he calls upon Mr. Dan Peck.

Daniel Peck 50591, Elk Trail, Granger Indiana.

Mr. Peck thanked the board for giving him an opportunity to share a little information about the improvements that they're looking to make to the facility on 400 North. Mr. Peck said as Matt had described to you, the facility to which we have in mind is an out patient office and that is very different than something that would be providing services twenty four hours a day seven days a week. Mr. Peck said that there isn't a residential component to this; it's merely out patient work. Mr. Peck said Matt had indicated that the hours of operation are generally 8:00 a.m. to 5:00 p.m. Mr. Peck said that there are a couple evenings they may be running a group; there may be a board meeting that would go into the evening hours typically no later than 8:00 p.m.

Mr. Peck said the facility itself as you can see from the handout is really out patient offices; it's really like a doctor's office. Mr. Peck said that there will be approximately thirty (30) individual offices ; that would be roughly in the neighborhood of about fifteen (15) to twenty (20) that would be therapy offices; a couple of doctor's offices and the rest would be master level therapist and clinicians. Mr. Peck said that the remaining offices are administration; CEO, the controller, himself where you would have administration folks taking up these spaces as well.

Mr. Peck said that they put a lot of time and energy into designing this in a way that flows typical to an out patient primary care office, where you would have one primary entrance. Mr. Peck said that they can focus on how clients are coming in. Mr. Peck said that there is a central reception area and they would check in; they would call the providers and they would come and pick them up in the waiting room. Mr. Peck said this is very similar as how you go and see your physician.

Mr. Peck said that it would be a way to centralize those services and as you hear from a few of his colleagues the remainder of those folks will be out working in the schools; they will be working in homes so you will see larger areas where work space is provided (cubicles) because these staff members come in to type up their progress and maybe make a few phone calls and then it's back out into the community again. Mr. Peck said that it is just kind of a landing strip for them to be able to get caught up on some of their paperwork.

Mr. Peck said that hopefully this gives you an idea of the flow of how we plan on providing services from this facility.

Wally Pritz asked Mr. Peck what kind of numbers they have been talking in terms of spending on the interior of this building.

Mr. Peck said that the estimated cost for rehabbing this building is in the neighborhood of about give or take two point one million to two and a half million, depending on material cost. Mr. Peck said that a good chunk of that would be installing a sprinkler system to make it compliant with any fire safety and fire suppression.

Mr. Milnick said that he would further call our Director of Children and Adolescent Services.

Mr. Milnick asked Ms. Bloomer to state her name and address.

Karen Bloomer, 322 Hickory Street, Michigan City.

Mr. Milnick asked Ms. Bloomer if she is employed by Swanson Center.

Mr. Milnick asked Ms. Bloomer her title.

Ms. Bloomer said that she is the Director of Child and Adolescent Services.

Mr. Milnick asked Ms. Bloomer how long she has been so employed.

Ms. Bloomer said since September, 2010.

Mr. Milnick asked Ms. Bloomer what kind of information she could tell us how this plan benefits the Swanson Center.

Ms. Bloomer said that the main thing that would really benefit them would be that we could be together as our "Teams". Ms. Bloomer said that their teams would be located in areas of the building together to better their communication with each other and to maintain client flow so that they can come directly to them, rather than going on elevators and fourth floor searching them out. Ms. Bloomer said that it is convenient for their clients to get to them.

Mr. Milnick asked Ms. Bloomer how many floors they currently occupy in the Marquette Mall.

Ms. Bloomer said that there are some on the fourth floor, fifth floor and sixth floor. Ms. Bloomer said that currently they have children and adolescent therapist that are on the fifth floor and case managers on the sixth. Ms. Bloomer said that if they are all in the same section of a building then they can communicate much more about what we our doing for our clients; what the treatment plan goals are. Ms. Bloomer said that it is just better coordination of our services as a team.

Mr. Milnick said that it would centralize your operation.

Ms. Bloomer said that she would like to briefly explain what they are doing in child and adolescent so you get an idea of the type of children and adolescent that they serve. Ms. Bloomer said that their main focus of the program is to do home base services and on site school services. Ms. Bloomer said that they do that because many of the kids that they see are having difficulties in school; they might be disruptive in the classroom; have attention problems; lack of focus and somewhat impulsive and hyperactive at school. Ms. Bloomer said that in order to benefit them the most, they want to work very closely with the schools, teachers and counselors, and what better place than in a school.

Ms. Bloomer said that currently in Michigan City they provide services in Elston Middle School, Krueger Middle School, Springfield, Nieman, Knapp, Pine and Edgewood. Ms. Bloomer said that they are getting ready to expand to the High School. Ms. Bloomer said that it has proved beneficial for the counselors and teachers because they all get on the same page to help the families.

Mr. Milnick asked Ms. Bloomer if many of her services that she provides is outside Swanson Center.

Ms. Bloomer stated yes. Ms. Bloomer said that their case managers go into the homes to work directly with the families in their environment; so they do individual skills training in the home of the children and family skills training in the home with the parents.

Mr. Milnick said that he would like to call Mr. Tom Stockstell who is Director of our Passages Program.

Mr. Milnick asked Tom to state his name for the record.

Tom Stockstill, 2429 S 500 W., La Porte, Indiana.

Mr. Stockstill said that he would like to tell you a little bit about the Passages Program that he works with. Mr. Stockstill said that the people he works with are your neighbors, your neighbor's kids, your grandchildren, your uncles or aunts; they're the people from your community who are struggling with recovery. Mr. Stockstill said that recovery is something that we hear a lot about in the newspapers and he thinks that everybody in this room is touched by somebody who needs guidance help and guidance in the their recovery program and that is what we're doing here.

Mr. Stockstill said that about half of their programming is outside of the Swanson Center; they provide services for many agencies in the community. Mr. Stockstill said that they are currently running a program in the jail; they run a program in downtown Michigan City in conjunction with the Federal Bureau of Prisons, Mr. Stockstill said that a lot of their programming like the child adolescent program is outside of this facility. Mr. Stockstill said that the one thing that he thinks is very important for everybody to remember is that these people that we are working with are not aliens to this community, they are this community. Mr. Stockstill said that the children

Karen works with were struggling; we have a lot of kids with alcohol issues. Mr. Stockstill said that those are our neighbors, our friends and if we can't help them, then there is going to be a greater problem in the community. Mr. Stockstill said that they believe that being at this location is going to centralize our programming, our offices and provide us with great opportunities in the community that we're struggling with right now at the Swanson Center. Mr. Stockstill said that he would ask if you would consider this application.

Mr. Milnick said that he would like to call his next witness, actually two witnesses, Phil Wolf and Dana Reichert. Mr. Milnick said that they work together in what they call their "Kat Team" it's our Assisted Coordinated (inaudible).

Dwayne Hogan asked for name and address for the record.

Dana Reichert, 2 East Point Blvd, Apt. 7, Michigan City.

Phil Wolf, 720 Belden Street, Michigan City.

Mr. Milnick asked how long each of them have been employed by Swanson Center.

Ms. Reichert stated five (5) years.

Mr. Wolf stated twenty-one (21) years.

Mr. Milnick asked how the acquisition of this building would be beneficial to your program.

Ms. Reichert said like the people prior to her have mentioned, it's just coordination of care. Ms. Reichert said that she is a case manager; she's out in the community most of the time, but when she comes in she needs everyone on her team to be in the same area so that she can communicate with them better on her client's treatment plan, their goals and their appointments.

Mr. Wolf said that they meet as a team and so in order to have a centralized location would be very beneficial for them and their clients.

Mr. Milnick said that he would like to introduce you to a very vibrant person, Mary Edstein

Mary Edstein said that she lives at 40 Castleton Road in Valparaiso, Indiana.

Mr. Milnick asked Ms. Edstein if she is employed.

Ms. Edstein stated yes.

Mr. Milnick asked Ms. Edstein by who?

Ms. Edstein stated Porter Starke Services.

Mr. Milnick asked Ms. Edstein in what capacity.

Ms. Edstein said that she is the CEO.

Mr. Milnick asked Ms. Edstein if she lives in proximity to Porter Starke Services.

Ms. Edstein said that she has lived for over twenty years less than a mile from Porter Starke Services Facility. Ms. Edstein said that she moved there from Michigan City to Porter County when her position changed and she got a job in Porter County. Ms. Edstein said that she was actually working for the county and then she got the job at Porter Starke. Ms. Edstein said that during that twenty years she raised her children. Ms. Edstein said that she never had any problems with the clients that come to Porter Starke; it was always a very safe and friendly area. Ms. Edstein said that there were never any issues with clients lingering around or any issues of that type.

Ms. Edstein said that she really wants to assure residences that it's not an unsafe area because you live near a community mental health center. Ms. Edstein said that actually the properties are kept up because the mental health center takes good care of their property and it helps bring value to the land. Ms. Edstein said that actually four years ago because they became empty nesters they sold their house and it was sold within a week. Ms. Edstein said that she just wanted to bring her personal experience here to let people know that it is fine to be a part of that neighborhood.

Mr. Milnick said that he would like to call Mr. Doug Waters.

Doug Waters, 2827 Eldridge Way in Michigan City, Indiana.

Mr. Milnick asked Mr. Waters if he is employed.

Mr. Waters said that he is the owner of Century 21 Long Beach Realty. Mr. Waters said that he's been a realtor for over thirty years.

Mr. Milnick asked Mr. Waters if he is licensed by the State of Indiana.

Mr. Waters said that he is licensed by the State of Indiana as a Broker.

Mr. Milnick asked Mr. Waters if he is familiar with the area at 7224 W. 400 N in Michigan City.

Mr. Waters said that he is very familiar with it. Mr. Waters said that he has done some studies on it and it is quite a nice property.

Mr. Milnick asked Mr. Waters if there is existing commercial development in proximity.

Mr. Waters said that La Porte Hospital has a facility about a quarter mile away. Mr. Waters said that there is also a bank about a quarter mile away. Mr. Waters said one point eight miles away is Franciscan Health Center Offices; there is also a Library near by. Mr. Waters said that it has quite a number of commercial spots in close proximity.

Mr. Milnick asked Mr. Waters in his capacity as a licensed broker for the State of Indiana and especially in La Porte County, did you have occasion to serve on a committee behind the Planning of the Master and Comprehensive Plan for La Porte County.

Mr. Waters said that he served on that on a Steering Committee to develop the La Porte County Zoning Plan a few years ago. Mr. Waters said that it is quite a good comprehensive plan. Mr. Waters said that they finally did a lot of things that we needed in La Porte County for a number of years.

Mr. Milnick asked Mr. Waters if he is familiar with Zoning Variances.

Mr. Waters stated yes.

Mr. Milnick told Mr. Waters that he's going to ask him a series of five questions. Mr. Milnick said that he has to make that record exact wording.

Mr. Milnick asked Mr. Waters if this board were to grant a variance, would it be injurious to the public health, safety, morals, and general welfare of the community, in your professional opinion?

Mr. Waters said that in his professional opinion he believes not.

Mr. Milnick asked Mr. Waters in his professional opinion would you see value of the area adjacent to the property involved will not be effective in a substantial adverse manner?

Mr. Waters said no, it should not affect any property at all.

Mr. Milnick said that the need for the variance arises from the condition peculiar to the property and does not (inaudible) conditions of the neighborhood.

Mr. Waters said that is correct.

Mr. Milnick said that the strict application of the terms of the zoning ordinance would constitute an undue hardship if applied to the property for which the variance is sought.

Mr. Waters said that is very true.

Mr. Milnick asked Mr. Waters in his professional opinion if this variance would fail and sale would not consummate, can you predict any outcome for that particular property.

Mr. Waters said that he can't see in the future, but if the zoning variance does not take place, he's not sure of the health of the building. Mr. Waters said that the building is left empty for a period of time it begins to deteriorate and fall down. Mr. Waters said in that case it will be very much detrimental to the community if it's allowed to deteriorate. Mr. Waters said that he believes that the Swanson Center placed the only offer on the property. Mr. Waters said that there were no other buyers around. Mr. Waters said that if this isn't allowed to go through who knows what will happen to the building.

Mr. Milnick asked Mr. Waters would the granting of the variance interfere substantially with the Master Comprehensive Plan that you served on the committee for.

Mr. Waters said not a bit. Mr. Waters said that this is just a small variance and there are already commercial properties up and down 400 as easily seen by the Beacon Snyder map.

Mr. Milnick thanked Mr. Waters.

Mr. Milnick said that he would like to call Mr. Dave Johnson.

Mr. Milnick asked Mr. Johnson to state his name for the record and your address.

David Johnson, 103 Keston Elm Drive, La Porte.

Mr. Milnick asked Mr. Johnson how long have you been employed by the Swanson Center.

Mr. Johnson stated just over thirty nine years.

Mr. Milnick asked Mr. Johnson what is his present capacity with Swanson Center.

Mr. Johnson said that he is a senior staff therapist at the La Porte Office, which is located at 1230 W. State Road 2 right adjacent to Roselawn Apartments.

Mr. Milnick told Mr. Johnson that he believes that he has something to say to the board that you would like to address.

Mr. Johnson said having spent the last thirty nine years with the Swanson Center he feels somewhat qualified to speak about us and our relationship to the communities served. Mr. Johnson said that he came to work here in 1974 when what now is the Swanson Center was called the La Porte County Community Mental Health Center. Mr. Johnson said at that time the La Porte Office was located at the corner of Jefferson and Tyler Street and what

was then known as the old Morrison Bakery. Mr. Johnson said that this is now the La Porte Community Federal Credit Union. Mr. Johnson said at the time they occupied the building, it was he believes if memory serves, the only non residential structure on Jefferson Avenue in that area. Mr. Johnson said the Michigan City Office at that time was at the corner of 9<sup>th</sup> and Washington, and again that was predominately a residential community. Mr. Johnson said that current location as he said is next to Roselawn Apartments and they've been there for about sixteen years.

Mr. Johnson said in all those years and at all of those locations, there has never been a complaint registered about us, our operations, or their clients by residences in the City. Mr. Johnson said in fact since they moved to the La Porte location, they've been told that the drug traffic which was rampant in that small little part between their parking lot and the I Street Clinic has absolutely been eradicated; that they're not using anymore as a drug drop.

Mr. Johnson said that over the years the residence in that vicinity have accessed their services on multiple occasions. Mr. Johnson said that the folks that spoke before me have said this better than he can say it. Who are our clients; they're us. They are you, they're me, they're the wonderful folks behind him; grocery clerks, insurance salesman, teachers, lawyers, doctors and stay at home mom and dads, factory workers, small business owners, fireman, librarians, retired parents, children and their spouses.

Mr. Johnson said that their clients suffer from depression, anxiety, alcoholism, psychosis, chemical dependency and marital problems. Mr. Johnson said that they see kids who've made threats to harm themselves at school and have to see one of us before they can be allowed back into the classroom. Mr. Johnson said that they see kids who have difficulty learning and processing information; we see adolescents who runaway from home and those who stress over what college they're going to get into. Mr. Johnson said that they see the victims in perpetrators of domestic violence. Mr. Johnson said like I said, they're you and me. Mr. Johnson said that we need to grow because we are the only community mental center within La Porte County. Mr. Johnson said that we need to make ourselves assessable to the populations we serve in the facility that can improve our capacity to provide those services of the psychiatrist, psychologist, clinical social workers, nurses and case managers.

Mr. Johnson said somewhere around twenty years ago they did not precede with that. There were lots of reason for that at the time and it seemed like a wise decision, but at this time in this location, we feel that it's the ideal solution to our issue. It will allow us to put services under one roof in an assessable, attractive location. They have the opportunity to take a building that he understands is vacant or soon to be; update the structure, improve the grounds, expand the parking and help to enhance the position of that building in the community. Mr. Johnson said that they are a service provider, much like the fire department across the street and the library across the street are service providers. Mr. Johnson said in his mind we fit in very well in that community.

Mr. Johnson thanked the board.

Mr. Milnick said with those comments the petitioner rests it case in front of the board.

Dwayne Hogan asked if there were any remonstrators here this evening for Petition No. 1

Remonstrator:

1. Kimberly Woodrick, 7256 W. 400 N., Michigan City, Indiana.

Ms. Woodrick said that she would first like to say that she believes she can speak for most of the remonstrators. Ms. Woodrick said that no one is opposed to the work that the Swanson Center does for our community. Ms. Woodrick said that they just feel like it should not be located in their neighborhood. Ms. Woodrick said that she feels that there are plenty of empty buildings that are already zoned for business that can be used for their needs. Ms. Woodrick said that the letter that she received from Dr. Burden, Executive Director of the Swanson Center related that he was very pleased to inform me that the Swanson Center would like to acquire the facility next to her home to better serve the citizens of La Porte County and how this is an ideal location because it is between Michigan City and La Porte.

Ms. Woodrick said that the present offices located in Marquette Mall are maybe a seven minute drive from her house. Ms. Woodrick said that the letter spoke at the time --- until this evening she heard nothing about anything other than the physical changes to the property as being beneficial. Ms. Woodrick asked what about the people involved. Ms. Woodrick said that she doesn't care what the building looks like. She cares about what will be happening there daily and who will be around her property. Ms. Woodrick said that she thinks that is a fair concern of hers if her minor children are playing outside there is a possibility that someone who perhaps is not in the right state of mind that they -- that moment -- whatever, perhaps come over maybe while they're waiting for a ride. Ms. Woodrick said that there is no bus service out there right now. Ms. Woodrick said to her that is a pretty big issue. Ms. Woodrick said that there has been no mention to her or her neighbors about such things until now as to hours of operation, signing, outdoor lighting, security, traffic flow, or bus services. Ms. Woodrick said that if the rezoning were to occur and the parking lot ---were located behind the building, which by the way there is a huge septic back there.

Ms. Woodrick said that no one from the street will be able to see if there is anything going on back there. Ms. Woodrick said that she lives directly next door -- her backyard is directly next door to where this parking lot will be. Ms. Woodrick said that she lives in the country because she really doesn't want to live next to a parking lot, which is why she bought her house. Ms. Woodrick asked if this parking lot would be illuminated at all hours of the night, or would it be dark, which one is better. Ms. Woodrick asked what impact this would have on her neighborhood financially. Ms. Woodrick said that one gentleman said that he could not see into the future, but he was able to say that there would absolutely be no negative impact.

Ms. Woodrick said that there is a substantial amount of property attached to this building and they said that they were asking for a variance on the building alone, but what about the future. Ms. Woodrick said that it seems to her that once there is a variance allowed that a lot of this could fall under the heading of our needs have changed. Ms. Woodrick said that she is fairly confident like she said before that if there is a major reason why Swanson Center has to relocate from their current premises, there are many of empty buildings currently zoned business, or perhaps build a new facility with apparently the billions of dollars that they have.

Ms. Woodrick said that she has great respect for the services and caregivers that the Swanson Center offers, she truly does, but she doesn't think people with mental issues are just that and yes, we all have loved ones, family members, neighbors and co-workers that have occasions with these things, but those occasions would be occurring next door to her house on a regular basis. Ms. Woodrick said she cares, she's not without compassion.

Ms. Woodrick said that another one of her concerns is that she doesn't believe anyone addressed, that she's pretty sure that there are some court ordered clients that the Swanson Center serves, which is meaning that they are criminal. Ms. Woodrick said that she thinks that is a realistic concern and she has to be honest, she doesn't believe that she would care for that as her next door neighbor. Ms. Woodrick said that she truly hopes that there is a good solution for everyone concerned, but this is not it.

Dwayne Hogan thanked Ms. Woodrick.

Dwayne Hogan asked for the next remonstrator.

2. Alan Kolodiej, 7255 W. 400 N., Michigan City.

Mr. Kolodiej said that after hearing Swanson Center's deal and presentation it's awesome and he respects totally what they do as far as bringing better health care to the residences of La Porte County. Mr. Kolodiej said that as a neighbor and directly across the street from this, he would really like to stand with his neighbor and share their concerns.

Mr. Kolodiej said that he is concerned about the response time if there was a problem. Mr. Kolodiej said for Swanson Center to say that they can guarantee everybody's safety is not true. Mr. Kolodiej said that we all wake up every day and we really don't know what's going to happen to each of us. Mr. Kolodiej said that he is really concerned about the twelve acres in back of the property, what is going to happen to those twelve acres. Mr. Kolodiej said that he thinks that has a big potential for the Swanson Center to expand their services.

Mr. Kolodiej said that he's been trying to read and learn some things about mental health and criminal justice; they seem to walk hand and hand to some extent. Mr. Kolodiej said that there

are a lot of new programs in the area of criminal justice to what they call jail diversion for people that were having problems with substance abuse or in the community were brought before people like the Swanson Center and evaluated and perhaps diverted from being caught up in the criminal justice system. Mr. Kolodiej said that he thinks that it is great for juveniles and first time offenders.

Mr. Kolodiej said that he still thinks that the facility offers a good location, but it also offers a wide potential for expanding those services. Mr. Kolodiej said that in this situation here he sees it as a good thing for the community, but it really affects the character of the neighborhood and it's going to impact them directly and our acceptance of what we have to live with as far as community adjustment. Mr. Kolodiej said that he is really concerned about the twelve acres.

Dwayne Hogan thanked Mr. Kolodiej.

3. Tom Schroeder, 7154 W. 400 N. Mr. Schroeder said that he has to agree with his neighbors pretty much and he also has issues with the property behind the building – the lighting and the traffic. Mr. Schroeder said that he has a problem with police and fire protection response times.

4. Larry Loetz, 7297 W. 400 N. Mr. Loetz said that his main concern is what people are going to do in the future. Mr. Loetz said that once they're in it's really hard not to let them expand. Mr. Loetz said with all that property back there they could put up all kind of living facilities for inpatient services and with the criminals that could be a real problem.

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

Candice Adams told Matt that everyone is concerned about assisted living in the future. Candice asked Matt Burden to come back up to the microphone and clear that up. Candice said that she would like to say that she works at Swanson Center and she is one of their case managers and it is exactly what they just said. Candice said that they do a lot of work in the field. Candice said it's not that often that they are in the office unless we can't get a client at home or the school where the parent can't make it. Candice said that there isn't a whole lot of traffic. Candice said that she would just like to say for the public that a lot of you have concerns about a mental health facility in the neighborhood. Candice asked what neighborhood then?

Matt Burden said that they have no plans on developing those twelve acres other than perhaps a walking trail for the employees as kind of a wellness initiative. Mr. Burden said that they don't have any plans on doing any kind of assisted living, or an inpatient unit. Mr. Burden said that they actually have two inpatient units in La Porte County currently, one out of IU Health La Porte Hospital and the other out of St. Anthony's Hospital. Mr. Burden said that it costs a lot of money to do inpatient operations. Mr. Burden said that they don't actually have millions of dollars in the bank with which they can do this. Mr. Burden said that it has to be financed over a period, and one of their challenges actually is to get proper financing in place in which they're still working on. Mr. Burden said that if they can finance a mortgage with the right terms, it's

actually less than the rent that they're paying now. Mr. Burden said that is the financial argument for them.

Mr. Burden said that he thinks our staff really spoke a lot to some of the clinical benefits and the communication benefits amongst staff. Mr. Burden said that in the letter he certainly didn't mean to imply anything about it being centrally located between Michigan City and La Porte; it's more of a drive time between the far regions of Michigan City and La Porte. Mr. Burden said that as you heard about, they have people driving hundreds of miles all over the place to see clients. Mr. Burden said that this would provide a little bit more centralized location for staff in that regard.

Mr. Burden said that he also heard a few comments about the way that were structured in the Mall Offices. Mr. Burden said that they are on the sixth floor, the fifth floor, and a little bit on the fourth floor. Mr. Burden said you can imagine in terms of flow how people talk to one another on how things are accessed – it's a little bit not ideal. Mr. Burden said as Dan mentioned they want to have a central location where people walk in, they check in and then ushered down to their respective spots.

Dwayne Hogan asked Matt to address the parking lot issues.

Melissa Mullins Mischke asked Matt what is the proposed parking and proposed lighting for that parking facility.

Mr. Milnick said that the proposed parking would be to the south, or the rear of the building. Mr. Milnick said that there has been some discussion about the possibility based on the budget, asphaltting a part of the area. Mr. Milnick said that you will also notice that there is ingress and egress to 400 North. Mr. Milnick said that there are two entrances as well. Mr. Milnick said that they really haven't discussed lighting with architects. Mr. Milnick said for safety issues for their employees he assumes that there would have to be some type of lighting.

Dwayne Hogan asked Mr. Milnick in the future what kind of aspirations do you have with doing any thing else with the rest of that property back there. Dwayne said that would be housings and cabins.

Mr. Milnick said that they would love to; we don't have any money. Mr. Milnick said that is probably impossible as we speak here today. Mr. Milnick said that is a good question because it is such much undeveloped property back there. Mr. Milnick said who's going to cut it, who's going to mow it and that brings us to a whole new factor because we're going to have to employ some maintenance people to do this because we will be property owners and no longer tenants.

Dwayne Hogan asked Mr. Milnick if he could talk about court ordered patients that you might have.

Mr. Stockstill said that if you were talk to any of the other twenty four (24) community mental health centers across the state, we all serve court ordered individuals. Mr. Stockstill said those could be for individuals who have been identified to either to have substance abuse issues, or that they may have committed -- he's thinking in terms of kids where there may be a mental issue while on probation that they would refer to. Mr. Stockstill said that the nice thing about working with court ordered individuals is that there is accountability. Mr. Stockstill said that you could call a probation officer who would dispatch an officer if there is an issue to pick up that individual on the spot, as opposed to having to explain to an officer who would need to respond. Mr. Stockstill said that the other piece to it as he mentioned these are outpatient services, so all the services that they would provide is scheduled—they're expected – they're planned in advance. Mr. Stockstill said that these individuals would be coming in at an expected time to meet with an expected person.

Mr. Stockstill said that they're under supervision the entire time they're on the property. Mr. Stockstill said that it is not a matter that they would have criminals running in and out of the building, or using the property without any supervision. Mr. Stockstill said that these are scheduled appointments and they're meeting with a designated individual.

Melissa Mullins Mischke said that as far as security, she's hearing a lot of concerns from the residence that they're concerned about security and parking—security and general people using the property. Melissa asked that if we were to grant a variance, would you be willing to provide security in way of fencing that lot, or security personnel to stay on the premises so that the residents felt that there was a level of comfort. Melissa asked what kind of things are you willing to do if this is such a desirable location to make these residents feel like their safe and their children/family members are safe.

Mr. Stockstill said that they have certainly talked about that – a lot of this has been new for them and they have been trying to figure out the best thing as Sam mentioned, a building manager. Mr. Stockstill said that they were hoping to have the person also double as a security person to make sure people aren't loitering – kind of taking care of the grounds and making sure people are leaving when they should leave. Mr. Stockstill since they don't have services in the night and we would never have services in the night, their plan was to alarm the building for security, but not to actually have a person there twenty four- seven. Mr. Stockstill said that he's not sure that would be necessary since there will be no clients there.

Melissa Mullins Mischke asked Mr. Stockstill if there is security people at the Michigan City location where you are renting from the Mall.

Mr. Stockstill said that there is Mall security there and they occasionally walk through for them.

Wally Pritz asked Mr. Stockstill how many offices that are total in that building.

Mr. Stockstill asked if he means Marquette Mall.

Wally Pritz said in the drawing.

Mr. Stockstill said that he doesn't know off hand. Mr. Stockstill said that it is a little over twenty thousand square feet, which is roughly the same square footage that they have now in the Marquette Mall.

Wally Pritz said that one of the concerns he sees is he only sees four bathrooms for all of these offices.

Mr. Stockstill said that there is actually two off to the side – for men there would be four urinals and four stalls.

Mr. Stockstill asked to see the drawing.

Mr. Stockstill said that with the men's toilet is not drawn to scale.

Wally Pritz said what he's really addressing is that you only have this small area right with what looks like to be about three bathrooms.

Mr. Stockstill said that actually it's a large area. Mr. Stockstill said that it's a sizeable bathroom and he thinks that there are eight stalls in the woman's. Mr. Stockstill said that there is actually more bathrooms than what they have currently on the fourth, fifth and sixth floors of Marquette Mall.

Wally Pritz asked Mr. Stockstill if the variance was granted and the variance was granted for the building only, would Swanson Center or whoever would have to come back – there would be a factor in the variance stating that you'd have to come back if there was any other buildings or anything else that would need provided.

Mr. Stockstill said that he would presume that.

Wally Pritz asked Mr. Stockstill how they are going to provide transportation for the patients.

Mr. Stockstill said that he thinks that their immediate plan would be that we have a shuttle buses that can take people from the nearest bus stop if the bus does not come down that way. Mr. Stockstill said that a lot of people do drive for their appointments, or are dropped off.

Mr. Milinek said that Swanson Center presently has (inaudible) service - they have a fleet of three – he doesn't want to call them buses, but they're handicapped equipped vans about the size

of an airport rental and they do work back and forth on a regular schedule between Michigan City and La Porte.

Wally Pritz asked about the sprinkler system. Wally asked how the water was going to be provided for the sprinkler system.

Mr. Stockstill said at a great cost actually. Mr. Stockstill said that you would have to drill a well and you would have to have a pump house and a generator in the back. Mr. Stockstill said that they planned on doing all of that.

Dwayne Hogan asked if Swanson Center entertains people from La Porte County Jail. Dwayne Hogan asked if the Sheriff brings those people to the facility.

Mr. Stockstill said no. Mr. Stockstill said that would be extremely rare if that would happen. Mr. Stockstill said that people are seen in the jail in almost every circumstance.

Dwayne Hogan said response time with the Fire Department would be about one to two minutes.

Mr. Milnick said that they're right across the street.

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

Glen Minich asked the number of staff that would be coming to the building on a daily basis.

Mr. Stockstill said that it's a little bit difficult to tell, people are out in the community. Mr. Stockstill said that most of their administrative staff would be there for a full day so probably at any given time we would want to make sure that the staff parking lot could accommodate eighty – he doubts that very often eighty staff would be there and that is why they're also trying to envision how many people would be receiving the outpatient services at any given time, but it is tuff to judge with the Mall Parking Lot now; some people take a bus; some people are dropped off and some people are going to Carsons. Mr. Stockstill said that looking at their services they made their best guess that we would never probably see more than thirty or forty people in the building at one time because they only have so many therapist and doctors to see people and they can only see them one at a time unless it's a group.

Candice Adams asked if there is any kind of special licensing for the pharmacy that you will need.

Mr. Stockstill said that they don't operate that. Mr. Stockstill said that they don't have this now; this would be an independent agency that is a fully licensed pharmacist that would be able to provide the same things that CVS would do, but they could do it more in a discrete way.

Dan Peak said that with regards to the pharmacy in particular, it is licensed through their own state licensure. It is a private pharmacy that would partner with Swanson Center and it is a

“closed” pharmacy meaning that it would only be eligible for Swanson Center clients and staff only. Mr. Peak said that it’s not retail.

Mr. Milnick said just for the record, they do not have a pharmacy at this time.

Mr. Peak stated yes.

Melissa Mullins Mischke asked Mr. Peak if they have any plans that you can show us with respect to parking; the layout of egress, ingress, lighting, any of those other ---

Mr. Milnick said that the closet he can come --- he can show you a site plan which was attached to the Petition. Mr. Milnick said that there are contingencies to the contract including the zoning; they haven’t even got that far in terms of planning the terms of layout and the actual parking. Mr. Milnick said that he wanted to show like an architects drawing.

Melissa Mullins Mischke said that she is really hesitant because their concerns for the security issue and lighting. Melissa said clearly you are going to have to have lighting for your own people in the parking area come November when it will be dark at 2:00 in the afternoon. Melissa said that she doesn’t feel comfortable making a decision on this tonight because she feels like she doesn’t have enough information on the physical safety of the building itself, egress, ingress, the septic field and water lines.

Mr. Milnick said that on the other hand the property has been used for thirty years plus.

Melissa Mullins Mischke asked if the lighting that is there right now adequate for the eighty plus parking spots in the location where the parking is at right now. Melissa said that she would like to see some plans on what that’s going to look like, or is going more than a scope creep issue as the residents have expressed some concern where you get a variance to do something to this structure, give an inch you take ten miles situation. Melissa said that she would like to see some type of drawing that we can say this is what you came to us with and this is what we have is a very good idea as to what your plans are.

Mr. Milnick said unfortunately they have a contingency contract and it is contingent upon obviously financing and it’s also contingent upon receiving this zoning variance. Mr. Milnick said that if we don’t receive the variance and we don’t have a contract then we go back to square one. Mr. Milnick said that nothing is developed that far yet.

Candice Adams asked Mr. Milnick if they asked for an extension on the purchase agreement.

Mr. Milnick said actually he doesn’t think that is going to happen.

Attorney Biege said that you could grant subject to final review of the project plans. If the board were to choose to – have concerns about final drawings for final construction, lighting, you could make it any approval subject to that review and final approval of the plans themselves.

Glen Minich said that he sees Melissa's concerns and he sees the communities concerns and he does agree with Melissa that if we gave them a variance of use he would like to see some security for the neighborhood in as much of some fencing security, but he sees ideally for you and the community is two separate entrances, consensually the first entrance for staff that came to the back parking lot and it was actually gated for cars. Glen Minich said that the parking in the front would be secure. The residents could see who is there and they would be secured to know that the people in back are only staff.

Mr. Stockstill said that they don't have that level of drawings for this because the design is focused on the internal. Mr. Stockstill said that they did talk about this with both their architect and their contractor, he doesn't know if it would be acceptable for him to just draw a square where we're thinking of things and how big it would be; it's hard to judge, but the plan was to always have the employee parking in the back clear away from the septic field.

Dwayne Hogan asked if that could be black topped.

Mr. Stockstill stated yes. Mr. Stockstill said that the drive coming into the front would be – the front entrance is at the north part of that and that is where the client parking would be and they measured about thirty five parking spaces there. They also envision landscaping around that and it would actually be completely shielded from view.

Mr. Milnick said that there are already existing tree lines on the east and west side of the property.

Alan Kolodiej 7255 W. 400 North. Mr. Kolodiej said that their concerns were what Swanson Center would be doing for our neighborhood since we would be making the biggest adjustment. Mr. Kolodiej said that he lives with women and Kim has children. Mr. Kolodiej asked what would happen if there was an incident or something wasn't going right; is there an opportunity to come before you and say look, we've got a problem and what can we do to fix it.

Mr. Stockstill said absolutely. Mr. Stockstill said that they really want to be good neighbors. Mr. Stockstill said that any concern that you have everybody would want to know that because those are the people that we serve and if they're doing something inappropriate, than we would want to know about it.

Greg Rogers, 7322 W. 400 North. Mr. Rogers said that he respects what Swanson Center does, but without a good plan – there's nothing here but a couple pictures and the septic issues aren't defined, the parking is not defined and the lighting is not defined. Mr. Rogers said that he's certainly a good electrician, but he's certainly no lawyer, but he would plea for you guys with your experience with bringing up (inaudible) and fire suppression and the well and all that goes

with it. Mr. Rogers said that the security issue is huge. Mr. Rogers said that we all choose to live here and we don't want a eight foot chain length fence with razor wire around it. Mr. Rogers aid that if this is going to get forced down our throat, we haven't had the pleasure of this man – and obviously you've put a wonderful presentation together that took a lot of time. Mr. Rogers asked if this is getting rammed down our throat and it looks like it is from the top down, is there anyway to tie certain stipulations in that – just as simple as driveway variances that nothing could be added in the back acreage without something to tie to this variance – that nothing could happen there forever without revisiting the whole situation and the razor wire and all the things that go with it. Mr. Rogers said that right now they're relying on the mall security. Mr. Rogers said that if you go to the emergency room to get stitches, there is always an off duty police officer there; there's somebody there. Mr. Rogers would also like to see that also stitched into this if this is going to go through; that is one of the stipulations that when they're there, 9:00 to 5:00 and to 8:00 meetings at night, whatever it is, rather than fences, there is a bonafied – certified police present of some nature.

Daniel Peck said that they have been working a lot with architects and a couple of different construction companies that have given us a whole lot of this detail. Mr. Peck said that they have certainly done a lot of work behind this in doing their surveys and getting everything in line that we would have to do. Mr. Peck said that we're taking this beautiful place and keeping it beautiful. Mr. Peck said that they don't want it to look any different. Mr. Peck said that they don't want any chain length fences with barb wire; they don't believe that they need them, they're an outpatient mental health clinic and unfortunately it's this idea that it's a dangerous place and it's not; that's why they don't need security outside of (inaudible). Mr. Peck said that you might get assaulted in a grocery store just as likely as you would in a library as anywhere else, things happen, that's true, but they're not posing a risk for anyone. Mr. Peck said that the parking lot security is not about somebody going to get hurt by someone, is somebody going to trip in the dark and that's a concern, but we wouldn't be there at night.

Mr. Milnick said that the Swanson Center has a twenty four hour eight hundred number that they've been using for years.

Wally Pritz asked if the present building the way it is is adequately lighted.

Kimberly Woodrick said that her home is directly next door and the closest home to this building. Ms. Woodrick said that the lighting now is okay. Ms. Woodrick said that there is actually only one light in front and a small light on the side. Ms. Woodrick said that she doesn't want a full lit parking lot all hours of the night. Ms. Woodrick said that she would have a for sale sign.

Wally Pritz asked Ms. Woodrick if she feels comfortable that there is nobody there at this time and have not been for maybe the past two years.

Kimberly Woodrick said that there are people there. They have services every Wednesday and Sunday. Ms. Woodrick said that the yard is attended and mowed. There are cars that come in and out. Ms Woodrick said that there is a stigma with mental health and she doesn't subscribe to that all. Ms. Woodrick said that she has people in her family that have been under treatment and it's a wonderful thing, but she has big reservations about it being in a residential area.

Mr. Stockstill said in regards to the parking issues he doesn't think it needs to be any different than it is now because it wouldn't be used beyond normal hours.

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

Glen Minich said that his only comment is to the people that live in that neighborhood. Mr. Minich said that he understands that we're all concerned about that one time and that's why he thinks that we should certainly have some added security, but at the same point, this facility is not that much unlike Dunebrook, which operates just down the road in the same situation and he hasn't heard of instances that they have had there. Mr. Minich said that they have court appointed people that are required to go to their classes and they operate in a safe and secure manner there.

Mr. Milnick said that he thinks that is a very good analogy.

Dwayne Hogan asked if there is any contemplation of signage.

Mr. Milnick said that there is an existing sign on Johnson road for the church. Mr. Milnick said that he wishes he would have included it in photograph, but it is a free standing exiting sign. Mr. Milnick said that obviously since it will no longer be a church the sign would be replaced with their logo. Mr. Milnick said that there is signage right on the front of the building and that would also be replaced.

Attorney Biege asked Mr. Milnick if he had any idea what the dimensions of the signs are.

Mr. Milnick said that he couldn't even begin to tell you. Mr. Milnick said that the sign on 400 North is free standing.

Dwayne Hogan asked if it is a lit sign.

Mr. Milnick said that he believes it is. Mr. Milnick said that he's never seen it lit, but it looks like it is a lit sign.

Attorney Biege asked Mr. Milnick if a 4x6 sign if the board were so inclined would be acceptable.

Mr. Milnick said that he thinks so. Mr. Milnick said what could be done is to take out the markings for the church and replace with the logo markings for Swanson Center.

Board members speaking amongst themselves.

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

Glen Minich said that he thinks that we need to gather our thoughts here because he thinks there are going to be some stipulations made here. Mr. Minich said that he thinks that we need a second here to go over this.

Dwayne Hogan thanked everyone for the short intermission.

Dwayne Hogan asked Mr. Milnick the hours of operation.

Mr. Milnick said again 8:00 to 5:00 normally Monday through Friday and twice a month maybe a little bit in the evening.

Dwayne Hogan asked if the hours were 8:00 to 8:00 would cover that.

Mr. Milnick stated yes, but with the exception for meetings twice a month they go a little bit later.

Dwayne Hogan said at this time he would like to entertain a motion from the board.

Melissa Mullins Mischke made a Motion that the Petition for America's Christian Credit Union and the La Porte County Comprehensive Mental Health Council, Inc. d/b/a/ Swanson Center to utilized the building for Swanson Center offices, located at 7224 W. 400 N., Michigan City, zoned R1B be granted with the following stipulations:

- a) Hours of operation will be Monday through Friday from 8:00 a.m. to 9:00 p.m.
- b) The use of the variance shall apply only to the building and none of the real estate on which the building is located.
- c) Any future building expansion or improvements would require a new variance.
- d) Current free standing approximately 4x6 lighted sign and the sign on top of the face of the building can be replaced with the same size signs.
- e) Building permits will not be issued until the Board of Zoning Appeals has reviewed the final plans for the structure of the facility.

Attorney Biege said that he would prefer to leave it as plans because he doesn't know what kind rendering your going to have. Attorney Biege said that the plans are more specifically described in the zoning code if we even need to get there.

Melissa Mullins Mischke said that they won't get any building permits until those things come to us.

Attorney Biege said to keep in mind that the zoning code also has parking requirements on building size and lighting requirements. Attorney Biege said that is already built into the zoning code and they're going to be restricted to comply with all of La Porte County's building requirements and design requirements.

Dwayne Hogan asked for a second

Glen Minich seconded.

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

All approved. Motion carried 4-0.

Candice Adams was unable to vote as she is an employee of Swanson Center as a case manager.

Dwayne Hogan said that we're going to take a five minute break.

- 2. The Petition for Kenneth & Mary McAtee** for continued placement of a mobile home. This property is located at 7421 E. Point Road, New Carlisle, zoned R1B. Last variance was granted on April 20, 1010 for a period of three (3) years. (Tabled to June 18, 2013 at 6:00 p.m.)

Annemarie Polan, Building Commissioner, told Mr. Hogan that this is tabled to June 18, 2013.

- 3. The Petition for Robert and Sandra Kelsey, by attorney Brad Adamsky** to construct an accessory building on a lot which a residence does not already exist. The proposed building would be a partial two-story building used for storage and would contain plumbing for water and sewer. This property is located at 115 N. Otis Road, Westville, IN, zoned R1B, New Durham Twp.

Attorney Biege said that legal is adequate.

Attorney Brad Adamsky told the board that he is an attorney at Newby, Lewis, Kaminski and Jones, 916 Lincolnway here on behalf of the petitioners, Robert and Sandra Kelsey. Attorney Adamsky said that they own the property which right now is a vacant lot and recently portioned off 115 N. Otis Road just assigned and it's an emergency vehicle address. Attorney Adamsky said that Mr. Kelsey would like to place a storage barn on the northwest corner of this vacant lot

in which he would store his boat and a couple of vehicles. Attorney Adamsky said that there is no residence currently on this property. Attorney Adamsky said that per the zoning code, we would need a variance to put the accessory building on a site where this is no residence.

Dwayne Hogan asked attorney Adamsky if he had a size of the building.

Attorney Adamsky said the specifics can be sighted by Mr. Kelsey.

Bob Kelsey, 4111 N. Sunset Lane, Michigan City. Mr. Kelsey said that the size of the facility would be 36x56.

Dwayne Hogan asked Mr. Kelsey if that is big enough.

Mr. Kelsey stated yes.

Dwayne Hogan asked if water, plumbing, and septic would be in there.

Attorney Adamsky said that is part of their petition as well. The code is not to have water and sewer and they're asking for that variance.

Melissa Mullins Mischke asked if it is going to have electric.

Attorney Adamsky stated yes.

Dwayne Hogan asked if they are going to run Nipsco out there.

Attorney Adamsky stated yes.

Melissa Mullins Mischke asked if it is on Westville water and sewer.

Mr. Kelsey said that there will be a well and septic.

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

Melissa Mullins Mischke said that she would like to say that she likes the drawings that were provided to us and showing our conception of what that house or storage facility is going to look like. Melissa said she appreciates that very much.

Board members speaking amongst themselves.

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

Dwayne Hogan said that he will entertain a Motion.

Wally Pritz made a Motion to approve Mr. Kelsey to construct an accessory building on a lot on which a residence does not already exist. The proposed building would be a partial two-story building used for storage and would contain plumbing for water and sewer. This property is located at 115 N. Otis Road, Westville, Indiana, zoned R1B, New Durham Twp.

Candice Adams seconded.

All approved. Motion carried 5-0.

- 4. The Petition for Mark D. & Nancy S. Parkman (owners) and Lisa Bonin (owner) to build two residence; one residence on five (50 acres with 113' road frontage and the other residence on forty-nine (49) acres with 100' road frontage. This property is located at 10532 W. 200 S., Westville, Indiana, New Durham Twp., zoned R1A.**

Attorney Biege said that we have return of certified mail service to all accept for Edward and Pamela Dombrowski and it was returned not deliverable.

Dwayne Hogan asked for name and address for the record.

John Hendricks, 215 E. Coolspring, Michigan City, Indiana. Mr. Hendricks said that he's employed with Charles Hendricks and Associates and he is the Vice President and Design Engineer with that firm and he is representing the petitioner's, Mark & Nancy Parkman and Lisa Bonin for a petition at 10532 W. 200 S., Westville, Indiana, New Durham Twp.

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

Mr. Hendricks said that they had actually petitioned for two variance requests for a parcel that is 113.5 feet road frontage on 200 South and one for 100 foot frontage. Mr. Hendricks said that they want to take the 113.5 foot road frontage parcel off the table. Mr. Hendricks said that he's not going to petition for that special variance. Mr. Hendricks said that he would like to go with the petition on the 100 feet of road frontage and they're looking to combine some acreage south of the southern portion adjacent to this 100 foot parcel with this 100 foot parcel. Mr. Hendricks said that they would have a complete approximately 49 acre parcel with 100 foot frontage on an existing parcel on 200 South.

Wally Pritz said basically this 100 foot is supposed to be an easement.

Mr. Hendricks said that the 100 foot would be used for ingress egress. Mr. Hendricks said that it is already an existing parcel.

Melissa Mullins Mischke asked if this is an existing abandoned railroad.

Mr. Hendricks stated yes. Mr. Hendricks said that it has a good firm bed underneath it already and would be good for an ingress egress. Mr. Hendricks said that they want to petition for a single residence to be built on the 49 acres. Mr. Hendricks said that the 100 foot parcel is about a six acre piece.

Melissa Mullins Mischke asked how much road frontage is left over for that 21.8 acres.

Mr. Hendricks said that he believes that is 400 feet.

Melissa Mullins Mischke asked if that is without the chunk in the middle –how much on each side.

Mr. Hendricks said from the solid line over to the 100 foot parcel is 400 feet.

Melissa Mullins Mischke asked how much is to the west.

Mr. Hendricks said that is 320 feet.

Melissa Mullins Mischke asked how much just to the west of that.

Mr. Hendricks said that is the 113.5 foot parcel.

Mr. Hendricks said that the only difference here is it was an already existing parcel. I know we don't like smaller frontage under 200 feet.

Melissa Mullins Mischke said that she hates this. Melissa said that she has this situation in her own neighborhood—people in the front along with people in the back and somebody sold something and now they hate each other – family feud. Melissa said that the problem isn't so much what is going on right now, it's what's going to go on twenty years from now. Melissa said that she is very concerned with access and making sure that people are visible from the road – with a residence back there we're going to tell you to call the local fire departments and things of that nature. Melissa said that this really concerns her not just the geometry it's creating, but at the same time the dynamics that go on in the neighborhood as well.

Melissa Mullins Mischke asked Mr. Hendricks if he could get a little bit more than a hundred feet.

Glen Minich asked Mr. Hendricks why not add more to the frontage.

Dwayne Hogan asked for name and address for the record.

Douglas Bonin, 10532 W. 200 S. Mr. Bonin said the problem is the abandoned railroad easement is owned by one party and the other property with the four is owned by a second party. Mr. Bonin said that they are two different owners. Mr. Bonin said that the hardship came when there is a back parcel and a very interested buyer in that and it's landlocked unless we can go ahead and get the one hundred feet.

Melissa Mullins Mischke said that we're talking about the right-of-way from the railroad and combining this property in the back to come up with the forty nine point two two acres.

Mr. Bonin said there is no neighborhood involved where there is going to be neighbors.

Melissa Mullins Mischke said today there's not.

Board members speaking amongst themselves.

Wally Pritz said that we have to be concerned about that.

Melissa Mullins Mischke said that we don't want to restrict access to the back property.

Board members speaking amongst themselves.

Melissa Mullins Mischke asked what are the intentions on the twenty one point eight acre property.

Mr. Bonin said that there has been a soil scientist out on this property serving the purpose of the prospective buyer in the back, but he also looked at the other and suggested that it was buildable.

Melissa said suggesting that we may grant a variance for that rear parcel contingent on saying no building on that front parcel.

Mr. Bonin said he can't understand why you would do that.

Melissa Mullins Mischke said she can't understand why you wouldn't give yourself a little more road frontage, which is the rule instead of the one hundred feet.

Mr. Bonin said again, two property owners and this owner wants to maintain the value and integrity of the property of the twenty one acres for future sale ability. The immediate land west of this one hundred feet is a big hill and a tree row. It would be cost prohibitive to think of that in terms of a driveway.

Wally Pritz asked Mr. Bonin if it was him who is asking for this one hundred feet easement to go back in here and build your home.

Mr. Bonin said that actually his wife owns this easement and she's willing to sell that in the part of the sale to the gentleman that is interested in the back.

Wally Pritz asked Mr. Bonin if he owns the twenty one point eight acres.

Mr. Bonin said that he has a contract interest in it, but it is owned by Mark & Nancy Parkman.

Attorney Biege asked Mr. Bonin if he's buying this on land contract.

Mr. Bonin said yes.

Attorney Biege asked if he is part owner of the parcel behind it.

Mr. Bonin said by virtue of the contract only. Mr. Bonin said that it is deeded and held in title by Mark & Nancy Parkman.

Attorney Biege asked Mr. Bonin if he's buying the twenty- one point eight acres on land contract.

Mr. Bonin stated yes.

Attorney Biege asked who owns the forty nine point two two acres.

Mr. Bonin said Mark & Nancy Parkman.

Attorney Biege asked Mr. Bonin if he's buying that on land contract too.

Mr. Bonin said that he's trying not too.

Attorney Biege asked how do you not try to buy something on a land contract.

Mr. Bonin said if he can't get it sold he's obligated

Attorney Biege told Mr. Bonin that he has some ownership in it someway.

Mr. Bonin stated yes.

Glen Minich told Mr. Bonin he could add on to the one hundred feet of easement ---All we're asking for is one hundred feet and it actually doesn't take away that much of the adjoining property. Glen said that it doesn't take away any value of that property.

Dwayne Hogan said that this is more in line with our codes. Dwayne said that's what we're trying to do.

Melissa Mullins Mischke said two hundred feet of road frontage as opposed to one hundred feet.

Annemarie Polan, Building Commissioner, said that they wouldn't have to be here then.

Glen Minich said that's correct.

Annemarie Polan, Building Commissioner, said they're here for a variance. Annemarie said you're basically telling them not to file for a variance.

Mr. Hendricks said it's basically a road to get to the back one hundred feet. Mr. Hendricks said that a width of a road is substantial.

Glen Minich said that what we're left with now is giving away three lots and there are only two lots. Mr. Minich said that's not really our job.

Annemarie Polan, Building Commissioner, said topography will not allow them to build there. Annemarie asked Mr. Minich if he's talking about the twenty one point eight acres.

Mr. Minich said yes.

Melissa Mullins Mischke told Annemarie that Mr. Bonin has already said that a soil scientist was out there and told him that is a buildable lot.

Annemarie Polan, Building, Commissioner, said she had talked to Tony and she thought it wasn't buildable.

Dwayne Hogan said that it is buildable and the potential is there. Dwayne said that if we knew that it wasn't buildable you're right and it's out of the equation.

Annemarie Polan, Building Commissioner, said that they were talking about maybe adding more than one hundred feet and then Tony was saying something about the land up front being marshy, she doesn't remember exactly what he said.

Board members speaking amongst themselves.

Melissa Mullins Mischke said it's a parcel by itself, it's not an easement.

Wally Pritz asked if they went to two hundred feet, they wouldn't necessarily need a variance. Wally said theoretically that would become a buildable lot.

Attorney Biege said thinks so; they would have to transfer parcels. Attorney Biege said to remember that the one hundred foot is a separate owner, but it sounds like they all own it anyway. Attorney Biege said you can't instruct them how to split it if you choose to just deny it.

Mr. Bonin said if there is anyway he can persuade you to consider this it would be most appreciated. Mr. Bonin said that it is a perfect access.

Melissa Mullins Mischke said nobody's going to take away the access; their suggestion is to increase the property line, doesn't mean you have to move the driveway.

Board members speaking amongst themselves.

Annemarie Polan, Building Commissioner, asked John how long the one hundred foot parcel is.

John Hendricks said two thousand six hundred fifty feet.

Annemarie Polan, Building Commissioner, said if they can meet the setbacks they can probably get a building permit.

Mr. Hendricks said you could put a house with the proper county setbacks at one hundred feet, but he doesn't think we want to do that.

Glen Minich said again, the issue is what Melissa is talking about. It's about the next owner, the adjoining property owners, it's about future. Mr. Minich said that we're creating a lot that doesn't exist.

Attorney Biege said that the one hundred feet lot exists. Attorney Biege said that the landlocked lot exists. Attorney Biege said unlike a lot ---your conventional lots where somebody is trying to split it off to get a flag lot, you could combine these two lots, but the reality exists that this back lot is landlocked. Attorney Biege said that this lot they're not parceling out is already there.

Attorney Biege said that's one distinction from what we usually do when we're talking about flag lots.

Melissa Mullins Mischke said that it's currently one big lot with adequate road frontage.

Attorney Biege said that the back is a separate parcel number.

Melissa Mullins Mischke said that they're splitting it. Melissa said that's creating a landlocked situation.

Attorney Biege told Melissa that he sees what she's saying. Attorney Biege said the one hundred foot is a different parcel.

Wally Pritz said basically you have to add one hundred feet wide ----

Melissa said two thousand six hundred and three.

John Hendricks said about a half mile.

Mr. Bonin said he would certainly appreciate consideration on this.

Board members speaking amongst themselves.

John Hendricks said he could see if they were trying to create one hundred feet.

Melissa Mullins Mischke said you just explained to us that you were combining this to create this situation. Melissa said once you combine it, it's a non issue because you created this one hundred foot strip regardless if it already existed, or it didn't. Melissa said it's still one hundred feet; it's not two hundred feet you combine it with that back parcel that you want to split off.

Glen Minich said we're going to duplicate this problem by us doing this and this is becoming -- these are not buildable county lot because they are too narrow. Mr. Minich said in this case we don't have to deal with this because they have enough frontage to make a legal lot.

Melissa Mullins Mischke said that she agrees.

Mr. Hendricks said he doesn't know if it's too narrow. Mr. Hendricks said that he thinks the size setbacks are fifteen feet in the county.

Glen Minich said that the county requires two hundred feet of road frontage.

Melisa Mullins Mischke said that it's existing as one hundred feet by two thousand six hundred and three feet. Once he combines it with that other one it's not an existing parcel.

Attorney Biege said it's also academic. Attorney Biege asked when the parcel was created. That's arguable.

Glen Minich said the previous county code still asked for between one hundred and sixty to one hundred eight foot of road frontage even if you use that argument.

Annemarie Polan, Building Commissioner, said it use to be one hundred seventy feet, but then there was a place in our old master plan we had to have ten thousand square feet. Annemarie said they did away with that, but now there's another section in there that says if you got a parcel

that is in existence and it's zoned residential, it can be used for that purpose as long as you can make the setbacks.

Melissa Mullins Mischke said her argument is that once this parcel gets combined with that back part it gets split off, that is not an existing parcel, that is a new parcel under our code. Melissa said that the one hundred foot is a quarter of a mile.

Annemarie Polan, Building Commissioner, asked how do you get to the forty nine acres then.

Melissa Mullins Mischke said that right now that is sixty some acres. Melissa said that the original parcel right now is fifty- nine point seven three acres. Melissa said that they're going to split that and then we're going to combine that with this abandoned right-of-way parcel that is existing, but once it gets combined, that is a brand new parcel with the one hundred foot --- it will have a whole new legal description including that forty nine point two two will have it's own legal description making it a new parcel. Melissa said that it is no longer an existing parcel and is not under the rules and regulations of this existing code.

Dwayne Hogan asked Annemarie if she understands that.

Annemarie Polan, Building Commissioner, said that she is still not getting this.

Attorney Biege said that he thinks that it's academic how they split it. Attorney Biege said essentially he thinks what they're saying is that they're going to have to get to the hundred feet and combine the one hundred feet to the back parcel and if they do that they have a new parcel and they are no longer grandfathered in because they are making a new one.

Annemarie Polan, Building, Commissioner asked what you do with the forty nine acres in the back?

Attorney Biege said that if it was granted we're combining forty nine acres in the back with that one hundred foot parcel.

Annemarie Polan, Building Commissioner, said otherwise the forty nine acres is useless.

Glen Minich said that whoever buys the front, can buy the back. Glen said that this can be divided several different directions.

Mr. Bonin said that this is a property that has been on the market for seven years and there has never been an offer on it. Mr. Bonin said that this is the first offer and they need to sell the property and the buyer has chosen the land he wants to buy and he can't afford to buy the whole thing. Mr. Bonin said that they would sell the whole thing if he could afford the whole thing.

Glen Minich said that he's not trying to be difficult and he doesn't understand the property that well, but why doesn't the buyer that wants the forty nine acres just buy the one hundred thirteen which already has the frontage.

Mr. Bonin said that everything that he wants to do with the property is more easterly on the back land. Mr. Bonin said that this is a big track of land here.

Board members speaking amongst themselves.

Attorney Biege said that the one hundred foot is a completely different parcel. Attorney Biege said that one hundred foot parcel is just independently a proposed split.

Wally Pritz said that he understands that.

Glen Minich said that the problem we have is that we have people coming to us looking for this exception. Mr. Minich said that it is a safety issue and is one reason why we follow the rule with two hundred foot of frontage.

Mr. Bonin said that it would make no difference at all in this case with the safety aspects of it. Mr. Bonin said that the road is there and can be used as a road.

Melissa Mullins Mischke said that you are going to put a driveway in that one hundred feet, sell off the front part and put another driveway in. Part of the reason that plan is in there for two hundred feet of road frontage is so we don't have lots of little driveways stacked up on top of each other going back to sixty acres. There are rules from the counties perspective as to why those are desirable and we understand what you want to do. Melissa asked Mr. Bonin if there is anyway once you combine all these, you can go any further than one hundred feet for the new property that will be the forty nine point two two acres to get more road frontage. .

Wally Pritz asked what if he donated one hundred foot right-of-way to the county.

Melissa Mullins Mischke told Wally that this is a railroad; it's not a road frontage – it's abandoned railroad.

Board members speaking amongst themselves.

Wally Pritz said that if you donate to the county then this back part would have frontage on which would be considered a county road property.

Attorney Biege said if the county would take it. Attorney Biege said that under the Commissioner's rules that last few years we've put roads down with proper road bed inspection and everything else until the county will accept. Attorney Biege said that he's guessing he's not going to want to spend that kind of money.

Glen Minich asked Mr. Bonin how he got title to that railroad. Glen said in most cases legal title is shared by adjoining landowners. Glen asked Mr. Bonin if he got clearance from the adjoining landowners, or did you just take title to that property.

Mr. Bonin said that they negotiated with CSX Railroad in Florida.

Melissa Mullins Mischke said that it's absolutely possible she thinks in this area that part of the railroad was donated to the county parks. Melissa said that there are some areas in the Westville that the parks were connected by abandoned railroads --- rails to trails type of a deal.

Glen Minich said that he believes currently most railroads that haven't been quitclaimed are owned by US Rail Vest and he's been told that the other counties are having issues with it because they have lost their final case and they're sending those to the tax rules and they quit paying taxes on that.

Melissa Mullins Mischke said that she believes they're exempt.

Glen Minich said that he's not sure about that, he thinks that they were taxed pretty heavily according to the one that he took time -- Glen said again, part of the issue that he has is that by us doing this as a board, we're going to have duplications of this.

Melissa Mullins Mischke said that she agreed.

Mr. Bonin said that he was with the understanding that this has happened in the past and he looks at them on a case by case basis. Mr. Bonin said that as long as you're looking on a case by case basis, everything gets looked at that way and I guess you make your decisions based on circumstances of the case. Mr. Bonin said that he has been told in several instances you have allowed one hundred foot frontage.

Melissa Mullins Mischke said absolutely, but again just because we granted it in the past, doesn't mean it's a practice we want to continue. Melissa said that it does adversely affect the county as a whole.

Wally Pritz said that the one hundred feet we granted didn't go back the thirteen hundred feet either.

Board members speaking amongst themselves.

Glen Minich said that he has the exact same piece of property that he lives on and his access is on an abandoned railroad and he titled additional road frontage to it; that's the way he did his.

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

No Remonstrators present.

Mr. Bonin said that he would really appreciate your consideration of this.

Glen Minich asked Mr. Bonin why he isn't willing to add to the road frontage to meet county code.

Mr. Hendricks said there are two reasons. One is the value of the property – the twenty one point eight acres and the second one is for a driveway. Mr. Hendricks said that one hundred feet is plenty. If you make it two hundred feet you would still have a driveway where it's at today.

Glen Minich said if we wanted a driveway every one hundred feet we would make that the county code.

Mr. Hendricks said he agrees, but Mr. Pritz had brought up safety. Mr. Hendricks said this isn't a railroad bed, it's solid. If the fire department had to get back there they could get back there. It's not like it's a dirt road and going to be muddy.

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

Dwayne Hogan asked the pleasure of the board.

Melissa Mullins Mischke said that she will make a motion to table this petition for thirty days. Glen Minich seconded.

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

All approved. Motion carried 5-0.

**5. The Petition for Eugene E. Sowinski (seller) and Ina F. Balich (purchaser) to construct a new residence, two story approximately 1536 square foot on one (1) acre of land with 125' road frontage. This property is located at 2547 S. County Line Road, Westville, IN, New Durham Twp., zoned R1A.**

Attorney Biege said that the adjoining property owners have notice. Attorney Biege said that she has presented me with a receipt and a printout of the newspaper add, however she did not receive the affidavit.

Darlene Pavey, told attorney Biege that we have the newspaper add.

Dwayne Hogan asked for name and address for the record.

Ina Balich, 4706 Andover Court, Apt. 16 C, Valparaiso, Indiana.

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

Ms. Balich said that they're petitioning for a variance because the property has one hundred twenty-five (125') feet of frontage and it goes three hundred and forty-four and half (344 ½) feet back. Ms. Balich said that it is just over an acre. Ms. Balich said that it has been a lot since the sixties (60's) that they know of. Ms. Balich said that there is an old existing driveway; an old existing well that has concrete bunker in the ground and it has a utility pole with a dead meter on it.

Glen Minich asked Ms. Balich if there is an abandoned trailer on this.

Ms. Balich said that it is next door.

Attorney Biege asked when was the lot created.

Ms. Balich said that the best they can tell it was in the sixties (60's). Ms. Balich said that she has a written signature from the owner and she is going to be the purchaser providing we can get the variance.

Attorney Biege asked Ms. Balich if she has a copy of the owner's deed by chance.

Ms. Balich said that she has a quit claim.

Ms. Balich up at the bench going over the quit claim deed.

Board members speaking amongst themselves.

Annemarie Polan, Building Commissioner, said that we have the newspaper clipping.

Attorney Biege said that he's checking to see if this might have been grandfathered, but it was deeded in 1997.

Ms. Balich said that she thinks that is when the gentleman's father passed away and he received it because it's inherited.

Annemarie Polan, Building Commissioner, said that in 97 it would have been one hundred seventy feet (170') feet of frontage at that time.

Attorney Biege said that this is essentially a deed from a death so he was looking to see when they originally got the lot. Attorney Biege said that this is a quit claim deed that looks like was done through the state.

Ms. Balich said that when she came in and applied for the variance they looked it up and they did say that I would not need a driveway permit because there were records that said the driveway was in existence since the sixties (60's).

Dwayne Hogan asked Ms. Balich asked if she is purchasing this as a contingent offer.

Ms. Balich said that what she wishes to do if she gets the variance she will make a cash purchase of this property and immediately go into construction on a post frame building – two story home. Ms. Balich said that the soil engineers have been out and they have approved a regular septic in the back of the property; they would have to build a new well.

Ms. Balich said that they didn't go any farther because she wasn't sure about the variance, but everybody they've talked to said because it's a preexisting lot –

Dwayne Hogan asked Ms. Balich if that lot is an acre.

Ms. Balich said that it's just over an acre.

Attorney Biege said he thinks what is strange about this one, it looks like somebody transferred on a death, and it's a quit claim deed, but it was in the family. Attorney Biege said that it probably should have been through an estate proceeding. Attorney Biege said he thinks that might have arguably knocked it out; otherwise he thinks that it would be grandfathered in and he maybe arguably be granted grandfathered in if he would research the title work. Attorney Biege said that he's just letting the board know that she hypothetically may not need to be here.

Glen Minich asked if this lot being split from the one that has the abandoned trailer on it.

Melissa Mullins Mischke said that they're separate.

Attorney Biege said same lot preexisting.

Board members speaking amongst themselves.

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

Dwayne Hogan asked the pleasure of the board.

Wally Pritz made a motion that the petition for Eugene E. Sowinski (seller) Ina F. Balich (purchaser) to contract a new residence, two story approximately 1536 square foot on (1) acre of land with 125' feet of road frontage be granted. This property is located at 2547 S. County Line Road, Westville, IN, New Durham Twp., zoned R1A. Candice Adams seconded.

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

Ms. Balich asked if she made the home a smidge larger would that be a problem.

Dwayne Hogan asked Ms. Balich what is a smidge.

Ms. Balich said that instead of twenty four by thirty two, it would be thirty by thirty two.

Melissa Mullins Mischke told Ms. Balich that she would still have to meet the setbacks.

All approved. Motion carried 5-0.

Annemarie Polan, Building Commissioner told the board members that they did a variance for David & Dana Henderson out on the island with very little setbacks and zero lot line. Annemarie said that Jason Tuholski called her and he said that --- she hasn't heard back from it yet, but he said they think they're just going to tear the house down and start over. Annemarie said that Jason Tuholski said that the footprint will be smaller and the setbacks will be greater than what they were.

Melissa Mullins Mischke asked if she voted no on that.

Glen Minich stated yes.

Annemarie Polan, Building Commissioner said that we passed it through.

Melissa Mullins Mischke said that she feels she voted no on that one and she feels comfortable with that.

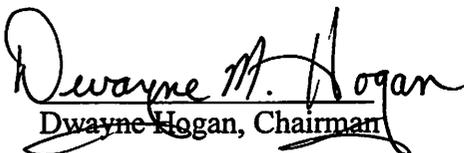
Annemarie Polan, Building Commissioner said that she told them that she would bring it up because it was going to be a smaller footprint and the setbacks greater.

Dwayne Hogan said at least he's making an effort to try.

Dwayne Hogan asked if there is any other business before the BZA.

Attorney Biege said real quickly, we're in the process of drafting a revision to the flood plain ordinance and zoning maps. Attorney Biege said that it really doesn't affect the BZA for right now.

There being no further business, meeting adjourned at 8:50 p. m.

  
Dwayne Hogan, Chairman

  
Annemarie Polan, Recording Secretary