



LAPORTE COUNTY BOARD OF ZONING APPEALS

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ANNEMARIE POLAN
Building Commissioner

October 15, 2013

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, October 15, 2013, at 6:00 p.m. in the Assembly Room of the County Complex.

MEMBERS PRESENT: Dwayne Hogan Wally Pritz
 Candice Nelson Melissa Mullins Mischke

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

Pledge of Allegiance.

Dwayne Hogan entertained a Motion for the approval of meeting minutes of September 17, 2013.

Melissa Mullins Mischke made a Motion to approve the meeting minutes as presented. Candice Nelson seconded.

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

All approved. Motion carried 4-0.

Dwayne Hogan said that we have a continuance on Petition No. 7. The Petition for John Burys, d/b/a/ Phoenix Enterprises America, LLC and Richard Loniewski for a variance to operate a Gentlemen's Club, which property is zoned B-3 and possibly R1B. This property is located at 5906 N. US Highway 35, La Porte, Indiana, Springfield Twp. **(This matter was tabled to October 15, 2013 at 6:00 p.m. and it is also going to be postponed until further notice.)**

- 1. The Petition for Charles & Betty Hucker to construct a carport thirty (30') from property line instead of the required sixty (60') feet. This property is located at 8758 W. 1850 S., La Crosse, Indiana, Dewey Twp., zoned Agricultural on two (2) acres.**

Attorney Biege said that legal work is correct.

10-15-2013 BZA Minutes

Dwayne Hogan asked for name and address for the record.

Charles Hucker, 8758 W. 1850 S., La Crosse.

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

Mr. Hucker said that they purchased a travel trailer and he would like to put up an A-Frame all steel carport next to an existing garage. Mr. Hucker said that he can't get it into the garage because of the height. Mr. Hucker said that the variance would be to allow them to put it within thirty (30') feet of the road instead of the sixty (60') feet. Mr. Hucker said that the building that they have there now is the same setback.

Dwayne Hogan asked Mr. Hucker how long he wants to keep it there.

Mr. Hucker said that this would be more or less a permanent structure. Mr. Hucker said that it's all steel – two and a half inch steel -- tubular frame and it will be on a concrete slab.

Dwayne Hogan asked if it will have its own septic and well.

Mr. Hucker said that that there will be no septic, water or electric in the building – in the carport. Mr. Hucker said that basically it's just a roof.

Melissa Mullins Mischke said there are no sides to it at all.

Mr. Hucker said that the sides would just come down about four (4') foot from the top and it will be open from the bottom up about six (6') foot.

Wally Pritz said that it is basically a protection for the travel trailer.

Mr. Hucker said that it is to keep the snow load off the roof and hail damage.

Dwayne Hogan told Mr. Hucker said that the reason we ask that is because a lot of times we grant a variance for that and then they come back in a year and want to put walls on it; the third year they want to put the well and septic in.

Mr. Hucker said that won't happen on this one.

Dwayne Hogan asked if there were any remonstrators here this evening for Petition #1.

Melissa Mullins Mischke asked Mr. Hucker if he's asking for relief on the East side of the property.

Mr. Hucker said that this is on the East side of the property on County Road 875.

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

Dwayne Hogan said that he will entertain a Motion.

Wally Pritz made a Motion that we approve the Petition for Charles & Betty Hucker for a thirty (30') foot property line setback rather than the required sixty (60') foot setback at the property located at 8758 W. 1850 S., La Crosse, Indiana, Dewey Twp., zoned Agricultural. Candice Nelson seconded.

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

All approved. Motion carried 4-0.

- 2. The Petition for Randall E. Jones, Sr. to construct a pole barn with living quarters (42x80). This property is located at 1672 S. 875 E., Mill Creek, IN, Lincoln Twp., zoned R1B on five point seven (5.7) acres. This property already has an existing residence.**

Attorney Biege said that the adjoining property owners received personal notice and publication is adequate.

Randall E. Jones, Sr., 1672 South, existing residence, County Road 875 East, Mill Creek, Indiana 46365.

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

Mr. Jones said that he wants a variance to build a pole barn on the existing property. Mr. Jones said that he has five point seven (5.7) acres and in the future it's going to have a living residence; two bedrooms and two baths and he's been to the LaPorte County Health Department and Commissioners for a septic system and a well system for the pole barn.

Dwayne Hogan asked Mr. Jones the purpose of this would be for whom.

Mr. Jones stated himself. Mr. Jones said that he has old classic cars and classic motorcycles; it's like a two bedroom two bathroom home with a seven car garage.

Melissa Mullins Mischke asked Mr. Jones who would be residing in the home that's existing on the property.

Mr. Jones said himself.

Melissa Mullins Mischke asked Mr. Jones if he needs the home and the two bedrooms attached to the seven car garage.

Mr. Jones said that if you have company coming in from out of town you have to have an extra bedroom.

Melissa Mullins Mischke asked Mr. Jones if he lives at this residence full time.

Mr. Jones said that the existing residence is rented out to his granddaughter. Mr. Jones said that if and when he puts the living quarters in the pole barn he will be living there full time.

Candice Nelson asked Mr. Jones where he lives now.

Mr. Jones said that he has another house here in La Porte.

Melissa Mullins Mischke asked Mr. Jones if his granddaughter helps him around the property.

Mr. Jones said that he hasn't been out there. Mr. Jones said that it is five point seven acres; it's a cornfield right now.

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

Dwayne Hogan asked if there were any further questions of the Board.

Wally Pritz asked Mr. Jones if he's looking for the variance just for the pole barn at this time.

Mr. Jones stated no. Mr. Jones said that he told the Building Commissioner that he's going to put a septic system and well and whenever he gets a chance to put in the partitions at the end of the pole barn for the living quarters. Mr. Jones said that would come at a future date, but the septic system and the well is going to go in when he builds the pole barn.

Wally Pritz asked Mr. Jones if he's going to build the pole barn the whole eighty (80') feet.

Mr. Jones said that it will be 42x80 feet.

Wally Pritz was asking about the future living area.

Mr. Jones said that it will wind up being 28x42.

Melissa Mullins Mischke said that she wants to clarify if the Health Department has been out to see if it's appropriate for a septic.

Mr. Jones said that he had the soil tested and was okayed to put the septic system in. Mr. Jones said that he did that last spring.

Wally Pritz asked Mr. Jones what is the current frontage across the front of this 5.7 acres. Mr. Pritz asked if it was four hundred feet.

Mr. Jones said that it is not far from that. Mr. Jones said that if he answered that he could be lying to you because he really doesn't know the exact amount. Mr. Jones said that he's going to say it's going to three hundred to four hundred feet.

Board members speaking amongst themselves.

Dwayne Hogan asked if there are any other questions or comments.

Dwayne Hogan asked if there are any remonstrators for this one.

Melissa Mullins Mischke made a Motion that the Petition for Randall E. Jones, Sr. to construct a pole barn with living quarters 42x80 at property located at 1672 S. 875 E., Mill Creek, Lincoln Twp., zoned R1B be granted with the stipulation that there will be no further subdividing of that parcel. Candice Nelson seconded.

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

All approved. Motion carried 4-0.

3. The Amended Petition for Dan Kravitz to add a two story addition to this property along with decks and a screened in porch with an in-ground pool in the front of this property. This property is located at 101 Chickadee Trail, Michigan City, Springfield Twp., zoned R1B.

Attorney Biege said that we have notice to adjoining property owners, but he did not publish. Attorney Biege said that he would suggest that we postpone and make an announcement to the audience that it's being continued.

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

Dwayne Hogan said that this being postponed to the next meeting for the legal work to get in order, which will be November 19, 2013 at 6:00 p.m.

4. The Petition for Charles Kraft to reside in an existing building, which was previously denied by the Board of Zoning on November 18, 1997, a copy of which is attached hereto for lack of septic. This property is located at 7664 N. Balsam Lane, New Carlisle, Hudson Twp., zoned R1B.

Attorney Biege said that he looked at the packet and there is a letter from the Health Department where they indicate that the site is unsuitable for a septic system or a mound system. Attorney Biege said that the Health Department said that they would be willing to issue a holding tank permit. Attorney Biege said that in the "Development Standards" they require other than an individual septic tank, the Community cluster system. Attorney Biege said that is a requirement contained within the Zoning Code. Attorney Biege said that although the Health Department has an alternative, the code still requires individual septic, community sewer or cluster system.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Charles Kraft, 7664 N. Balsam, New Carlisle, Indiana 46552.

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

Mr. Kraft said that he would like to get permission to install a one-thousand gallon holding tank on the side of his house and he would have a system put on there that would alarm to notify him when this was getting to the point where he has to have it emptied. Mr. Kraft said that he talked to the Health Department already and Tony Mancuso said that this could happen.

Melissa Mullins Mischke asked Mr. Kraft what he's currently using for waste removal.

Mr. Kraft said that he has a portable toilet unit that is serviced weekly. Mr. Kraft said that they empty it; put chemicals in it and clean it out.

Dwayne Hogan asked who this is done through.

Mr. Kraft said Joy's Johns.

Board members speaking amongst themselves.

Attorney Biege asked Mr. Kraft if he's residing there now.

Mr. Kraft stated yes.

Attorney Biege asked Mr. Kraft how long he has been residing there.

Mr. Kraft said ten (10) years; since he retired.

Dwayne Hogan asked if the house is plumbed.

Wally Pritz had a question on the holding tank. Mr. Pritz asked if that would be Board of Health. Mr. Pritz asked why we would have to give a variance.

Attorney Biege said that he thinks that there are a couple of things he's asking for. Attorney Biege said that the "Development Standards" require either an individual septic -- the way the code is written it assumes there is a septic tank and not a holding tank. Attorney Biege said that is an issue for Annie. Attorney Biege said that as he sees it the other part of this request for variance was in 1997 and he was specifically instructed that he could not live in it and if he was found to be living there, the variance would be null and void.

Attorney Biege said that Mr. Kraft represented to the Board that he would not live there. Attorney Biege said that he thinks that he was forced to request a variance today because he is already in violation from the last variance granted.

Melissa Mullins Mischke told Mr. Kraft that there are some other buildings on the property; there is a small white building with a blue roof near the water. Melissa asked what it is used for.

Mr. Kraft said that those are all storage; one of the buildings is a pump house.

Dwayne Hogan asked Mr. Kraft what he pumps.

Mr. Kraft said that he has a drywell -- drywell there for the (inaudible) water. Mr. Kraft said that he explained this to Tony and he is aware of this. Mr. Kraft said that Tony told him if he gives him this tank, everything goes in the tank and he agrees with that.

Melissa Mullins Mischke said that she agrees that a drywell this close to the water is not a very good idea.

Mr. Kraft said that he's one-hundred feet from the water.

Melissa Mullins Mischke asked Mr. Kraft how far the pump house is from the water.

Mr. Kraft said that as far as the land is --- it's on the tail end of the lake -- tail end of the road.

Dwayne Hogan asked if we have any remonstrators here this evening for Petition No. 4.

REMONSTRATORS:

1. Tina Zambon, said that she lives permanently at 1220 E. Sauk Trail, Chicago Heights, Illinois and has a cottage at 7665 N. Balsam. Ms. Zambon said that she thinks that this variance should be denied until the County and State approves that a septic system can be put in. Ms. Zambon said that Mr. Kraft said that he's had seventeen years to fix the problem and by him just saying that he's going to do it, doesn't mean he's going to get done in a timely basis. Ms. Zambon said that she has some signatures of neighbors who also agree with her.

Dwayne Hogan asked Ms. Zambon to enter that as evidence.

Ms. Zambon up at the bench handing in the list of signatures.

2. Steve Varela said that he lives directly across the street from Chuck. Mr. Varela said that his address is 7405 E. Lakeshore Drive. Mr. Varela said that he became aware of this last week and Chuck came to his door and asked him to sign a piece of paper and he said that he's trying to put in a holding tank. Mr. Varela said that he knows that he has had trouble with that all year long because every Monday morning at 10:00 in the morning, the Joy's John truck comes and empties it. Mr. Varela said that he thinks that is his best method to provide sanitation for his residence.

Mr. Varela said for that they're grateful; we've had a bad situation, but it has tried to be handled properly as best as Chuck could do. Mr. Varela said that now we find out that this has been going on for seventeen years and he's appalled that something like this could happen because we entrust this Board to ensure the public safety for all of us. Mr. Varela said that his estimation is there is about seven or eight wells that people have within one-hundred or so feet, or maybe two-hundred feet of Chuck's place. Mr. Varela said that some of us drink that water; not all of us are fortunate enough to be able to buy bottle water and we have to rely on that to be safe for us. Mr. Varela said that it's important for everybody.

Mr. Varela said that on the other hand, Chuck's been working with you for seventeen years trying to find some kind of a solution and it's your obligation to do things in a timely manner as a Board to govern our County; it seems like seventeen years isn't timely. Mr. Varela said that in fact after five years, maybe a decade – ten years, looking the other way and not addressing this situation kind of creates false hopes in someone's mind. Mr. Varela said that Chuck is retired, he lives there, and that's his home. Mr. Varela said that by not doing anything has kind of created a moral hazard; letting him stay there, leading him on. Mr. Varela said that after a decade, what is a person to think?

Mr. Varela said that he doesn't think that you can use the heavy handle of the law now and throw someone out of their house either. Mr. Varela said that he believes that the County has not done anything – or looked the other way, and by doing that, created an obligation that the County has to find a solution for both Chuck and his neighbors. Mr. Varela said that his neighbors deserve safe drinking water and Chuck after all this time working and not receiving any kind of direction – he thinks that it's a (inaudible) approval by the Board by letting him stay there for seventeen years. Mr. Varela said that he thinks that the Board of the County has to provide some kind of a solution for both sides.

3. Kathy Orenz, 7765 N. Spruce Lane, New Carlisle. Ms. Orenz said that she has been over this situation for quite some time and they have been in touch with the Health Department on several occasions about this port a potty situation which we're in a civilized situation here and she doesn't think that it should be allowed to continue. Ms. Orenz said that she also doesn't think that a holding tank is a great solution; she's right next to the water and they swim in it; they have

fish in it and unfortunately a lot of things that happened out in Hudson Lake – things slide not only in the Health Department, but the Building Department, things get put off without permits and it just can't continue. Ms. Orenz said that this can't continue and it has got to stop and the abuse of the situation of the rules and regulations.

Ms. Orenz said that Mr. Kraft has put up extra buildings out there – 12x12 structures because he didn't have to have a permit. Ms. Orenz said that he's not the only one that has done this kind of thing out in Hudson Lake, but it has to stop and she is really against this going through.

4. Karen Lau, 7675 N. Balsam Road. Ms. Lau said that she lives right above the hill from him. Ms. Lau said that her issues are that the trees were cut down; they have a piece of road that is dirt and it is an open road. Ms. Lau said that he tries to close it on his own by putting trees across it, bushes and steel across it. Ms. Lau said that he has no trash pick-up and they have to smell burning plastics at night. Ms. Lau said that she has a son that is on a breathing machine; they have to shut all the windows. Ms. Lau said that her neighbor is scared to death of this man; she won't come up here and say anything. Ms. Lau said that this has to be stopped. Ms. Lau said that they're at a dead-end except the one piece of road that is dirt that the county will not maintain because it is too steep; but it's an open road. Ms. Lau said that if a tree goes down on one side, that's the only way in and out; Mr. Kraft tries to block it. Ms. Lau said that she is against this holding tank, or whatever.

5. Sheryl Schmitt, 7730 N. Mulberry Lane, New Carlisle. Ms. Schmitt said that she and her husband added onto their home to increase the value. Ms. Schmitt said that they had to file for permits; everything had to be set – they had to redo their basement stairs because it was a little off the regulations for the building code. Ms. Schmitt said that there isn't supposed to be a house here; it's only supposed to be a storage unit. Ms. Schmitt said that it was never supposed to be lived in. Ms. Schmitt said that there is no septic and there hasn't been a septic in seventeen years and he's been living there. Ms. Schmitt said that she just doesn't think it's right that she has to do and go by the laws; it's just not fair to her, or any of her neighbors who follow the rules and do it the way you guys say.

6. Dave Zambon, 1220 E. Sauk Trail. Mr. Zambon said that he has a cottage right across the street from Chuck Kraft. Ms. Zambon said that when he sits on his deck all the fumes from the outside come up in the air when they're eating hamburgers – smelling gasses. Mr. Zambon asked if you'd like that? Mr. Zambon said case closed.

7. Steve Forbes, 7661 E. Lake Park, Hudson Lake. Mr. Forbes said that it's across the way from there. Mr. Forbes said that his wife is the Hudson Twp. Trustee and she could not be here. Mr. Forbes asked if he's to understand that if his septic or one of his neighbors who doesn't have enough land have a regular septic, we can put a holding tank in this.

Melissa Mullins Mischke said that is not what we're suggesting at all. Melissa told Mr. Forbes that he would have to contact the Health Department and the Health Department would make a recommendation. Melissa told Mr. Forbes that our rules are according to the current code – zoning code.

Mr. Forbes said that one of his neighbors years ago was talking to the Health Department and they said that they couldn't put a holding tank in there because once we inspect it, the home owner has taken a gun and shot it down and broke the cement up so it drains.

Dwayne Hogan asked if there were any other remonstrators.

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

Candice Nelson said that this is the first year on this Board, but it said this was denied in 1997, but you have been living there. Candice asked Mr. Kraft to explain to us why you haven't taken care of this properly.

Mr. Kraft said that he tried to get this corrected since 1968 and it was the water table at one time; after they put the gate in where the lake was regulated, then it wasn't the water table; it was the matter that you can't use the drywell no longer. Mr. Kraft said that he got a septic company out there; a soil scientist. Mr. Kraft said that he agreed that the mound system could work there and the Health Department shot it down. Mr. Kraft said that he applied in 1997 and they shot it down again and he wishes at that time – because they had been putting in holding tanks and as long as they're emptied like they should be, it's not a problem.

Melissa Mullins Mischke said that in 1997 she's looking at the meeting minutes - your neighbor back there; they did tell him that this is a storage building and he's not to be living in it so no septic was going to be available to him. Melissa told Mr. Kraft that after that, you continued to live there.

Mr. Kraft said that he never received that.

Melissa Mullins Mischke asked Mr. Kraft if he was at that meeting.

Mr. Kraft said that he was at that meeting, but he never received that letter.

Melissa Mullins Mischke said that these are the meeting minutes from that meeting that says the Health Department had been out to the site and they stated definitely not for a mound system or a septic; that you have a port a pot on the property for the last three years and you stated that you're not living there. Melissa said that the port a pot is not for prolonged use and that they're not in favor of the building, but made a Motion to grant it for storage, and storage only, not as a residence. Melissa said that Mr. Charlie Thomas added as a caution to Mr. Kraft that if he attempts to live in the building the variance will become null and void. Melissa said that was dated 11-18-1997.

Mr. Kraft said that he never got that letter until about two weeks ago.

Melissa Mullins Mischke said so that when you were here at the meeting in 1997, they didn't tell you that it was granted for storage only.

Mr. Kraft said that he doesn't recall that.

Dwayne Hogan said that he cannot condemn the sins of the past, of what the past boards have done, but all we can do is what's right and move forward.

Attorney Biege said morality aside from the legal aspect, any delay in the enforcement on La Porte County's part does not inhibit La Porte County's ability to enforce its rules and regulations.

Dwayne Hogan asked Mr. Kraft if he has trash pick-up service.

Mr. Kraft said that he doesn't have any trash. Mr. Kraft said that he recycles everything.

Dwayne Hogan said that he will entertain a Motion.

Melissa Mullins Mischke made a Motion that the Petition for Charles Kraft to reside in an existing building which was previously denied by the Board of Zoning Appeals November 18, 1997 for lack of septic located at 7664 N. Balsam Lane, New Carlisle, Hudson Twp., zoned R1B be denied. Candice Nelson seconded.

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

All approved. Motion carried 4-0.

Dwayne Hogan asked the time frame that Mr. Kraft will have to vacate.

Attorney Biege said that the Board can decide, or leave it to the discretion of the Building Commissioner.

Annemarie Polan, Building Commissioner, asked if they want a time frame right now? Annemarie said that he's been there for a long time.

Dwayne Hogan said it'd be nice.

Annemarie Polan, Building Commissioner said that he's been there for ten years.

Dwayne Hogan said that we can't make excuses, or justify the sins of the past. Dwayne told Annemarie that he doesn't want to dump it on her lap, but –

Annemarie Polan, Building Commissioner, said that she thinks that he's going to need at least ninety days.

Gail Murphy said she is Chuck's daughter. Ms. Murphy said that her address is 321 Waverly Road. Ms. Murphy said she recently moved here from Colorado. Ms. Murphy said she just wanted to say for the record that she has seen him try; she has seen him help all these people and many more at the lake. Ms. Murphy said that all we have here is airing of dirty laundry that had nothing to do with the septic tank issues.

Ms. Murphy said that it's a shame that a place that is the only place he could live for the past ten years would be taken away. Ms. Murphy said that she understands that you cannot answer for the sins of the past, but it's disappointing from a moral perspective; there are people who need to live and solutions.

Ms. Murphy said that he does own the land; he has gotten approved for more than a structure --- as a home, not just a storage structure. Ms. Murphy said that he has had people out there; he's tried for years and years to do this. Ms. Murphy said that it's just disappointing. Ms. Murphy said that she understands the gallery over here is upset that she's saying something in favor of him; it's just really disappointing.

Dwayne Hogan said we understand that too. Dwayne said just an editorial comment; understand that, but there has to be a quality of life and he resides in a residence without running water; he has no trash pick-up there. Dwayne said that's not the quality of life we want to have for people in La Porte County.

Dwayne Hogan asked Annemarie how much time frame she wants to give him.

Annemarie Polan, Building Commissioner, said ninety (90) days; after the holidays.

5. The Petition for Bryan & Allyson Spears for continued placement of a mobile home under new ownership. This property is located at 10061 W. 860 S., Wanatah, IN, Clinton Twp., zoned R1B.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Bryan Spears, 640 North, 400 East, Valparaiso, Indiana.

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

Mr. Spears said that they purchased the property and they're filing a variance for the existing home on the property that they purchased. Mr. Spears said that they have pictures of the inside of the mobile home that he took and pictures of the residence where they reside right now, which they're renting and his landlord does not want to fix. Mr. Spears said that there are a lot of health issues with the property that they're living in and they're trying to move out of there.

Melissa Mullins Mischke said that you purchased the property and on the property is a mobile home.

Mr. Spears said that there is a mobile home that has been there since 1969.

Melissa Mullins Mischke asked Mr. Spears what the realtor told him about the rules of mobile homes in the county at the time you purchased the property.

Mr. Spears said that there was no realtor, it was a quit claim deed. Mr. Spears said that it was a friend of the family and she was done with the mobile home. Mr. Spears said that her husband passed away, she remarried and doesn't live there anymore. Mr. Spears said that they spoke to her about it; she was behind on her taxes and they did a quit claim deed and paid the taxes on it and took ownership of the property.

Dwayne Hogan asked how much property is there.

Mr. Spears said that he's not sure acreage wise – he's guessing because his parents live across the street and there is like three quarters of an acre, he's guessing maybe a half acre or less.

Wally Pritz asked Mr. Spears if this is going to be a permanent residence.

Mr. Spears said that he was hoping to do that for the next three years to be able to either demolish the trailer or put up a permanent residence --- like a stick built house, or to improve on the current structure.

Dwayne Hogan asked Mr. Spears if he's looking for a temporary variance on this thing.

Mr. Spears said either way. Mr. Spears said that he was told the variances range from one to three years for a mobile home. Mr. Spears said that he was looking for at least three years so that they could reside there. Mr. Spears said that he needs that variance to turn on the electric and the gas.

Dwayne Hogan asked if there were other mobile homes in the area.

Mr. Spears stated yes. Mr. Spears said that there is a mobile home next door and his mother and father's is a mobile home. Mr. Spears said that Jerry Fetters has a mobile home and there is

another one right down the street from his mom and dad that is a mobile home. Mr. Spears said that there are like five or six in the neighborhood.

Board members speaking amongst themselves.

Mr. Spears said that the one next door to the west is a mobile home. Mr. Spears said that it has been built around with a new structure. Mr. Spears said that the one across the street by his parents was also built around 1991. Mr. Spears said that the one they want to live in they actually added a bedroom onto it.

Melissa Mullins Mischke said let's focus on if you were to make improvements and then want to remove it and build a new structure as opposed to adding onto an existing mobile home since that would not work well with our zoning. Melissa said if that were the case, what kind of time frame are we looking for if we were to grant a variance for you to live in this mobile home – what kind of time frame would you guess.

Mr. Spears said that he's looking at three years. Mr. Spears said that they bought a property where they're not going to have a house payment. Mr. Spears said that he's looking within the next three years to be able to reside in that mobile home and to not have to come back here again; he would like to demolish the mobile home within the next two years and put up a nice house.

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

Dwayne Hogan asked if there were any questions of the Board.

Candice Nelson made a Motion that we approve the Petition for Bryan & Allyson Spears for a three year variance for continued placement of a mobile home under new ownership located at 10061 W. 860 S., Wanatah, Indiana, Clinton Twp., zoned R1B. Melissa Mullins Mischke seconded.

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

Dwayne Hogan asked if this would be renewed.

Melissa Mullins Mischke said three years renewable.

Wally Pritz said three years renewable with the fact that he will attempt to start a new permanent residence. Wally said that there will not be a renewal of the existing trailer at that time.

Melissa Mullins Mischke said at the end of this first three year period, Melissa told Mr. Spears that it would be his responsibility to come back to the Board and Petition if you need a variance.

Dwayne Hogan asked if there were any questions or concerns.

All approved. Motion carried 4-0.

6. The Petition for John E. & Terri L. Marron and Jessie A. Korner for a Special Exception to construct a small house seven-hundred (700) square feet, for mother to reside with a residence currently existing on said property. This property is located at 6635 N. Fail Road, La Porte, Galena Twp., zoned Agricultural on five (5) acres.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

John Marron, 6635 N. Fail Road, La Porte, Indiana 46350.

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

Mr. Marron said that they would like to put up a small structure for his mother-in-law to live in. Mr. Marron said that she's getting to the point where it is dangerous for her to live alone, but she gets very nervous and up-tight if she's residing with someone. Mr. Marron said that they suggested that they have her in the home, but she said when she gets old she would like to come out and stay with them. Mr. Marron said that his mother-in-law is eighty-six.

Melissa Mullins Mischke asked if it will have its own well and septic.

Mr. Marron stated no.

Melissa Mullins Mischke asked Mr. Marron if it's contained to his.

Mr. Marron stated yes.

Dwayne Hogan asked if that was about seven-hundred (700) square feet with a one bedroom and little kitchen.

Mr. Marron said that he has the little blue print that he blew up.

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

Remonstrator:

1. Bernadine Isenblatter said that she objects to this because ---

Melissa Mullins Mischke asked Ms. Isenblatter for her address.

Bernadine Isenblatter said that she lives in Porter County now and it's 320 Timmy Drive in Valparaiso. Ms. Isenblatter said that she objects to this Motion because she owns the property. Ms. Isenblatter said that she got it in tax sale and she has the tax deed and bill paid.

Candice Nelson asked if that is the address that Mr. Marron is petitioning for?

Ms. Isenblatter stated yes.

Candice Nelson asked when that was.

Ms. Isenblatter said that she thinks that it was 2006 or 2007.

Annemarie Polan, Building Commissioner, said that 2006 was the last year the county had that.

Ms. Isenblatter said 2006.

Board members speaking amongst themselves.

Attorney Biege asked Mr. Marron if he was aware of any tax sale.

Mr. Marron said that Bernadine owns a little sliver of property right directly across the street from them that he found very interesting when they went to the Real Estate Office to get all the neighbors all the way around. Mr. Marron said that they were under the impression that there were only two properties across the street, but the map shows this one little sliver right in between across the road. Mr. Marron said that Bernadine is listed on that property across the street.

Dwayne Hogan asked Mr. Marron if that is where he wants to build.

Mr. Marron stated no.

Ms. Isenblatter asked Mr. Marron why he sent her the information.

Dwayne Hogan told Ms. Isenblatter that he's required if you are an adjoining land owner.

Ms. Isenblatter said that she doesn't object to him building. Ms. Isenblatter said that she thought it was on her property.

Dwayne Hogan told Mr. Marron that he has to pull the proper tags for the building.

Mr. Marron stated yes.

Dwayne Hogan asked Mr. Marron if he is going to build it.

Mr. Marron stated yes.

Candice Nelson asked Mr. Marron if those are his horses.

Mr. Marron said yes, his granddaughters.

Candice Nelson said that they're beautiful; she almost got out and jumped on one.

Dwayne Hogan said that he will ask for a Motion. Dwayne told Mr. Marron that he's doing the right thing.

Candice Nelson made a Motion that we approve the Petition for John E. & Terri L. Marron and Jessie A. Korner for a Special Exception to construct a small house of seven-hundred (700) square feet for their mother to reside when she gets old currently existing on said property. This property is located at 6635 N. Fail Road, La Porte, Galena Twp., zoned Agricultural on five (5) acres. Melissa Mullins Mischke seconded.

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

All approved. Motion carried 4-0.

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

Melissa Mullins Mischke said that if there is no other business she would like to make a Motion to adjourn. Candice Nelson seconded.

Wally Pritz said that we gave a variance to the property on Johnson Road and they were supposed to construct a sign saying what they are and what the address is. Mr. Pritz said that he's been by there and there have been several weddings there and there is nothing there for the Fire Department or the Ambulance service that this is the place they are suppose to be. Mr. Pritz said that he thinks that we're going into the same program where we are letting something go by without putting up their sign.

Melissa Mullins Mischke said that she agrees.

Attorney Biege asked if this is a barn.

Wally Pritz said that it's the Red Barn.

Attorney Biege said that he can certainly send a letter.

Board members speaking amongst themselves.

Melissa Mullins Mischke said that Dwayne has had some calls on the property at 400 North where they approved a small --- she doesn't call it a restaurant – she said that they were going to be individual settings and highlight local foods and things; there was also livestock and other wild life in the front yard. Melissa wanted to see if we could send her a letter as well.

Attorney Biege asked to eliminate the live stock.

Dwayne Hogan said a clarification of the Findings of Fact and Conclusions of Law.

Melissa Mullins Mischke said that she will definitely make an effort to drive by there tomorrow or the next day to see. Melissa said that she can send some photographs.

Annemarie Polan, Building Commissioner, asked if she should drive by there.

Dwayne Hogan asked if there was anything else this evening.

All approved. Motion carried 4-0

There being no further business, meeting adjourned at 7:05 p.m.


Dwayne Hogan, Chairman


Annemarie Polan, Recording Secretary