



## LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex 5th Level  
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**ANNEMARIE POLAN**  
Building Commissioner

June 17, 2014

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, June 17, 2014, at 6:00 p.m. in the Assembly Room of the County Complex.

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

OTHERS PRESENT:      Annemarie Polan, Recording Secretary, Attorney David McCain;  
Darlene Pavey, Secretary.

Pledge of Allegiance.

Dwayne Hogan asked for a Motion for approval of the meeting minutes of May 20<sup>th</sup>, 2014.

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

All approved. Motion carried 5-0.

Dwayne Hogan thanked Melissa for the meeting last month and told her that she did a good job and he appreciates that.

- 1. The Petition for Aaron & Amber Forrester** to add one bedroom and an entryway with thirty-two (32') foot front setback instead of the required sixty (60') foot setback on one (1) acre. This property is located at 4331 S. 550 E., La Porte, IN, Washington Twp., zoned A. **(This Petition was rolled over from May 20<sup>th</sup>, 2014 meeting to June 17<sup>th</sup>, 2014 at 6:00 p.m.) (This Petition is tabled to August 19<sup>th</sup>, 2014 at 6:00 p.m.)**

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- 2. The Petition for Katrina Watts** to construct a modular home with two-thousand two-hundred eighty (2280') square feet combining two lots with a total of 6.78 acres with fifty (50') feet of road frontage instead of the required two-hundred (200') feet. This property is located on 100 West, La Porte and 300 North, Center Twp., zoned R1B.

There was some question on the legal notifications to the adjoining property owners. Missy showed proof of the registered mailings but did not receive any of the green cards back. Because there are 12 property owners involved, Dwayne Hogan was not comfortable proceeding with the petition.

Melissa Mullins Mischke made a Motion to postpone this meeting until July 15<sup>th</sup>, 2014. Glen Minich seconded.

All approved. Motion carried 5-0.

- 3. The Petition for Lenore Hadaway** for a "Special Exception" to operate a bed and breakfast establishment (4 rooms to let). This property is located at 10522 W. 50 N., Michigan City, IN, Coolspring Twp., zoned A on 5.88 acres.

Attorney McCain said that Legal is adequate.

Dwayne Hogan asked for name and address for the record.

Lenore Hadaway, 10522 W. 50 N., Michigan City, Indiana.

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

Ms. Hadaway said that she would like to get your permission to operate a bed and breakfast from her home.

Dwayne Hogan asked Ms. Hadaway if she has ever operated one of these before.

Ms. Hadaway stated no.

Dwayne Hogan asked if there are any remonstrators here this evening, for or against, this Petition.

Dwayne Hogan asked if there are any questions from the Board.

Dwayne Hogan asked Ms. Hadaway what kind of hours of operation she is looking at.

Ms. Hadaway said that it is by reservation only -- there are no walk-ins in this type of business. Ms. Hadaway said that the average age of a guest is between 45 and 55. Ms. Hadaway said that the house is sixty-five hundred square feet large and there are only two residents in the house,

her husband and herself. Ms. Hadaway said that she checked the code for what's required for a bed and breakfast and she feels that her property more than meets the needs for the code.

Ms. Hadaway said that she has her husband with her; he's an elderly gentlemen.

Dwayne Hogan asked for name and address for the record as well.

Paul R. Hadaway, 10522 West, 50 North.

Ms. Hadaway said that the additional income would come in handy. Ms. Hadaway said that the house itself is setback from the road. Ms. Hadaway said that there are no structures that touch their property line that would interfere with what they're going to do.

Dwayne Hogan asked if they have a name for the bed and breakfast.

Ms. Hadaway said that she formed an LLC and it will be Blue Jay Inn.

Dwayne Hogan asked Ms. Hadaway if she would need a sign for this.

Ms. Hadaway said that she doesn't believe so.

Dwayne Hogan asked Ms. Hadaway how she is going to advertise for this.

Ms. Hadaway said that she's going to have a web page which has not been developed yet based upon what happens here this evening. Ms. Hadaway said that she will probably advertise in the Shore magazine and some local publications. Ms. Hadaway said that they also have brochures that they could put with the Convention Bureau and the Visitor's Bureau.

Wally Pritz asked Ms. Hadaway how they would find her on 50 north if she didn't have a sign.

Ms. Hadaway said that most likely they would use technology like Tom Tom, Google Maps, or Map Quest, or they could call and she would give them directions. Ms. Hadaway said that is the way things go these days.

Wally Pritz told Ms. Hadaway that he thinks that she would at least need a small sign so they can find you.

Dwayne Hogan said that sign also helps in the event of an emergency if fire or EMS has to arrive and not calling you at 2:00 a.m. because of an emergency to get an ambulance there.

Ms. Hadaway said that is an excellent point. Mr. Hadaway said that there is an ordinance for the size of a sign.

Dwayne Hogan told Mr. Hadaway that this is the time that she ask for this if you need something outside of those dimensions.

Ms. Hadaway said that she would like to enter a request for a sign and it will be according to the sign in the ordinance.

Attorney McCain said that we have some specific regulations as to signs.

Dwayne Hogan asked if there are any Remonstrators, for or against.

REMONSTRATOR:

Dwayne Hogan asked for name and address for the record.

Greg Lachner, 6 S. Otis, Indiana. Mr. Lachner said that he owns the property directly on the east side of the Hadaways, which is 10478 W. 50 N. Mr. Lachner said that he's really not for or against it if they want to have one. Mr. Lachner said that his only comment is that he's worried about security. Mr. Lachner said that his property formerly years ago was Pleasant Valley Park and at one time Pleasant Valley Camp Ground. Mr. Lachner said that they have always had a problem keeping trespassers out. Mr. Lachner said that they still have people trespassing constantly and one of the things they hear is people say they didn't know anyone owned this property.

Mr. Lachner said that the Hadaways put up a fence on their east border, which is his east border and it needs some repair. Mr. Lachner said that he would like to see them repair that fence so if people stay at their home they know that there is a defined border.

Candice Nelson asked Mr. Lachner if he has some no trespassing signs up.

Mr. Lachner stated yes, but people don't read them.

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

Attorney McCain is looking for the size of the sign in the ordinance book for bed & breakfast.

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

Dwayne Hogan asked the hours of operation.

Ms. Hadaway said twenty-four hours.

Dwayne Hogan asked Ms. Hadaway if she could comment on the security and how she is going to try to keep it secured.

Ms. Hadaway said that all the bedrooms have their own lock and keys and the home has a very sophisticated alarm system and has video cameras coming through the front driveway.

Dwayne Hogan asked if it is a common front door for coming in and out.

Ms. Hadaway said that is correct.

Dwayne Hogana asked Ms. Hadaway if she would comment on the fence repair.

Ms. Hadaway said it's probably a fifteen minute job.

Mr. Hadaway told the Board that the only thing that Mr. Lachner has on that property is a pole barn.

Dwayne Hogan asked if there are any other comments.

Dwayne Hogan said that he will entertain a Motion.

Melissa Mullins Mischke made a Motion for the Petition for Lenore Hadaway for a "Special Exception" to operate a bed and breakfast establishment. This property is located at 10522 W. 50 N., Michigan City, Coolspring Twp., zoned A be granted with the hours of operation twenty-four (24) hours seven (7) days a week with a 2x4 foot sign be granted.

Candice Nelson seconded.

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

Glen Minich told Ms. Hadaway for the neighbor's sake, fix the fence.

Melissa Mullins Mischke told Ms. Hadaway to have her address visible for emergency services.

Dwayne Hogan asked if there are any comments or questions.

All approved. Motion carried 5-0.

**Public Comment:**

Dwayne Hogan asked for name and address for the record.

Tony Oss, 3846 Malaga Drive West in La Porte. Mr. Oss said that he's here to comment on the preliminary petition for Katrina Watts. Mr. Oss said that he's the adjacent property owner -- he's not sure what package you have, but he thinks that they were referring to Tract A and Tract B on the survey that was done. Mr. Oss said that he was here late in 2010 to petition this Board for a Variance on Tract C. Mr. Oss said that Tract C has sixty (60') feet of frontage. Mr. Oss said that they were granted that petition to build and they decided not to and bought another house and they're in the process of trying to sell their land also.

Mr. Oss said that these parcels were subdivided and actually rearranged in a way that they are now based on the recommendations and guidelines that were set by this Board in late 2010. Mr. Oss said that they came to this Board with a proposed plan and he came with Missy's husband, Mr. Lang and we proposed to the Board and the Board approved it.

Mr. Oss said that he anticipates that in the future he will be here once he sells this land to request the same of you again -- to ask for a variance for a single family residence to be built on his property, which has a sixty (60') feet of frontage.

Mr. Oss said that these parcels were platted this way prior to the two-hundred (200') foot frontage rule was imitated by the county. Mr. Oss said that rule did not exist at the time that these parcels were platted.

Mr. Oss said that he is in complete support of her variance.

Missy Lang said that they just pulled up all the USPS label numbers that are on here and it showed up on her phone. Missy said that she has the realtor with her that has the property for sale. Missy Lang said that we have on the phone that they were delivered with the USPS numbers -- the tracking numbers. Joy from the real estate office said that it is posted on their website that they have been delivered and received. Missy said that if she would have known she would have printed them off.

Missy Lang asked the Board if they would be willing to reopen and look and the phone that they were all delivered.

Dwayne Hogan told Missy that we have already lost the remonstrators. Dwayne said that they're not ready to embark on this until they get the cards.

Attorney McCain said that if they can trace the numbers and print it out and give you a hard copy that shows they were delivered, it might not be necessary for Missy to worry about whether she gets the green cards between now and next month. Attorney McCain said that he has used this at times to prove service and so on to find out where somebody was. Attorney McCain said that he would think that they're ninety-nine (99%) percent reliable.

Missy Lang thanked the Board.

Dwayne Hogan asked Annemarie Polan, Building Commissioner, if she has anything this evening.

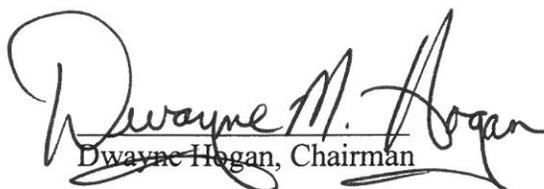
Annemarie Polan, Building Commissioner, stated no.

Melissa Mullins Mischke made a Motion to adjourn. Glen Minich seconded

Dwayne Hogan asked if there are any questions.

All approved. Motion carried 5-0.

There being no further business before the Board this evening, meeting adjourned at 6:50 p.m.

  
Dwayne M. Hogan, Chairman

  
Annemarie Polan, Recording Secretary