



## LAPORTE COUNTY BOARD OF ZONING APPEALS

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**ANNEMARIE POLAN**  
Building Commissioner

September 16<sup>th</sup>, 2014

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **September 16<sup>th</sup>, 2014, at 6:00 p.m.** in the Assembly Room of the County Complex.

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

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

The Pledge of Allegiance.

### APPROVAL OF MINUTES:

Dwayne Hogan said that he wants to entertain a Motion for the approval of the meeting minutes from August 19<sup>th</sup>, 2014.

Melissa Mullins Mischke made a Motion that we accept the meeting minutes from August 19<sup>th</sup> as presented.

Wally Pritz and Glen Minich seconded.

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

All approved. Motion carried 4-0.

- 1. The Petition for Joseph C. & Patricia Putnam** for continued placement of a mobile home under new ownership. This property is located at 8749 E. Sunnyside Dr., New Carlisle, IN, Hudson Twp., zoned R1B. **(This matter was tabled from July 15<sup>th</sup>, 2014 meeting to August 19<sup>th</sup>, 2014.) (This matter was tabled from the August 19<sup>th</sup> meeting to September 16<sup>th</sup>, 2014 meeting for attorney Biege to go over manufactured housing vs. mobile homes.)**

Dwayne Hogan asked for name and address for the record.

9-16-2014 BZA Minutes

Joseph Putnam, 8749 E. Sunnyside Dr., New Carlisle.

Dwayne Hogan asked if all legal work is still okay.

Attorney Biege stated yes.

Dwayne Hogan asked where we're at on this.

Attorney Biege said that he thinks the Building Commissioner had one of the inspectors go out to examine the property and its dimensions. Attorney Biege asked Annemarie if there is a conclusion.

Annemarie Polan, Building Commissioner said that the conclusion was that it would have to be treated like a mobile home because of the size.

Dwayne Hogan asked if the size is 23x41.

Annemarie Polan said that is what it's supposed to be in order for it not to be "not" a mobile home and Annemarie said that it's 14x57. Annemarie said that she thinks one of the inspectors figures we're a little bit different, but not by much. Annemarie said either way, it doesn't follow under that category.

Annemarie Polan told Joe that the mobile home did have the numbers, but it still falls under mobile home because of the size.

Dwayne Hogan asked if there is anything else on the mobile home.

Attorney Biege said that he thinks that they're seeking a variance on a mobile home. Attorney Biege said that this was previously granted to Panzke for a period of three (3) years.

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

Melissa Mullins Mischke asked Mr. Putman if he could review with us the situation with the home – just a refresher. Melissa told Mr. Putman that she knows he purchased the home and she doesn't know if there are any changes in circumstances, or a situation that would help your case.

Mr. Putman said that nothing has changed since last time he was here. Mr. Putman said that they purchased the home, looked at the records, and it said that a new owner would have to reapply for the variance; they purchased and applied for the variance and they've been here since.

Dwayne Hogan asked Mr. Putman if they closed on the property.

Mr. Putman stated yes.

Dwayne Hogan asked Mr. Putman if he closed on the property prior to seeking a variance.

Mr. Putnam stated yes. Mr. Putnam said that the paper work they read said that the new owner would have to apply and they're not an owner until they purchase it.

Dwayne Hogan asked if there are any comments.

Glen Minich said that he kind of stands where he was at the last meeting. Glen said that we really want mobile homes to be placed in mobile home parks; we normally would only place them outside of mobile home parks under a hardship. Glen told Mr. Putnam that he knows that he bought this in good faith, but you weren't given the correct information. Glen said he guesses in a way that is a hardship, but he would not be in favor of anything more than four (4) years nonrenewable to give you time get some of your money back in living in it and be able to replace it with a fixed home there.

Dwayne Hogan asked Mr. Putnam if that would work for him if something like that would pass.

Mr. Putnam said that it's not what he wanted. Mr. Putnam is conferring with his wife.

Mr. Putnam said that would be acceptable.

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

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

No Remonstrators.

Dwayne Hogan said that it's a tough position all the way around and he understands where he's coming from, but you have to understand where we're coming from as well trying to protect what we have in this township and this county.

Dwayne Hogan asked the pleasure of the Board.

Glen Minich made a Motion that the Petition for Joseph C. & Patricia A. Putnam for continued placement of a mobile home under new ownership be granted for a period of four (4) years nonrenewable and the mobile home be moved to a mobile home park. This property is located at 8749 E. Sunnyside Dr., New Carlisle, IN, Hudson Twp., zoned R1B.

Melissa Mullins Mischke seconded.

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

Attorney Biege said that he just wants to clarify that we're recommending nonrenewable. Attorney Biege said that we can't dictate what a future board would do and that's how he drafted his findings. Attorney Biege said that he just wanted to clarify that.

All approved. Motion carried 4-0.

**2. The Petition for Jon-Paul Evans and Brittni Evans** to operate an auto repair business out of an existing pole barn on their property. They're also asking for a lighted sign. This property is located at 5885 N. 400 W., Michigan City, Indiana, Springfield Twp., zoned Ag on .717 acres of land.

Attorney Biege said that legal is adequate.

Dwayne Hogan asked for name and address for the record.

Jon-Paul Evans, 5885 N. 400 West.

Brittini Evans.

Dwayne Hogan asked Mr. & Mrs. Evans what they would like to do this evening.

Mr. Evans said that they're asking for a land variance on operating a small repair facility out of his existing pole barn.

Dwayne Hogan asked Mr. Evans if he's doing that currently.

Mr. Evans said just for family and friends.

Dwayne Hogan asked Mr. Evans if he wanted to run that as a "business".

Mr. Evans stated yes,

Dwayne Hogan asked Mr. Evans what his hours of operation would be.

Mr. Evans stated 8:00 a.m. to 5:00 p.m.

Dwayne Hogan asked Mr. Evans days of the week.

Mr. Evans stated Monday through Friday.

Dwayne Hogan said no Saturday or Sunday appointments at all.

Mr. Evans stated no.

Melissa Mullins Mischke asked Mr. Evans how many cars at a time he could handle at his facility.

Mr. Evans said three to five waiting.

Dwayne Hogan asked Mr. Evans what size sign he's looking for.

Mr. Evans said a 3x3.

Dwayne Hogan asked Mr. Evans if he wanted a light on that sign.

Mr. Evans stated yes.

Dwayne Hogan asked Mr. Evans if he has addresses on his mailbox so the fire department or somebody could find you if they needed to.

Mr. Evans stated yes.

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

Glen Minich said that the problem that we always run into with this is the cars on the exterior of the property. Glen said that it looks like it would be pretty much in the open. Glen said that three or five vehicles are not going to fit in the shed.

Mr. Evans said that there is parking in the back; it's paved back behind the house. Mr. Evans said that he doesn't know what type of pictures you have.

Melissa Mullins Mischke told Mr. Evans if he had a vehicle that is waiting on parts and it was going to take more than a week or seven days, where would he put that vehicle.

Mr. Evans said that he would put it back together were it can roll back out of the door. Mr. Evans said that the lid would be closed and no parts would be physically off of it because he's not going to be running an auto body facility out of his car place.

Dwayne Hogan asked Mr. Evans if he has a name for this business.

Mr. Evans stated "Evans Auto".

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

Dwayne Hogan asked if there are any questions, comments, or concerns of the Board. Glen Minich said again, it comes to that question of the vehicles that are waiting repair. Glen said that under the ordinance, they're supposed to be behind a screened fence. Glen said that would be something that would have to be addressed in the Motion he believes.

Melissa Mullins Mischke said that the existing ordinance states that vehicles awaiting repair shall not be stored outdoors for more than seven days and shall be screened with an eight (8') foot high screened wall in accordance with Section 17.3.

Dwayne Hogan asked Mr. Evans if he has read that yet.

Mr. Evans stated no.

Dwayne Hogan asked Mr. Evans if there is any way he can comply with that.

Mr. Evans said that there is existing bushes that are well over twelve (12') feet on the one side of his neighbor's property and the other side there is multiple bushes that will exceed twelve (12') feet. Mr. Evans said that you have to actually walk in between the buildings and the trees to actually see anything in the back yard.

Wally Pritz asked Mr. Evans if he would have any vehicles sitting outside for more than the seven (7) days.

Mr. Evans stated no.

Dwayne Hogan asked if there are any questions.

Glen Minich said that in the past when this has come before us and he doesn't know if there is any history with cars sitting out there, but what usually happens is once things get rolling and there are cars sitting out there the neighbors are going to have some complaints. Glen said from time to time we would allow this on a one (1) year and it would be brought back in here and that way we're sure the neighbors are getting along with this and everything is working out.

Mr. Evans said that when he had the neighbors sign this in case they wanted to show up tonight to voice any concerns, they all had no problems with anything that was going on.

Glen Minich said that the only problem is that sometimes when people are confronted directly, they're reluctant to come forward.

Dwayne Hogan asked Mr. Evans where he's going to put the sign.

Mr. Evans said that there is a parcel of land in between the two driveways.

Melissa Mullins Mischke said that her only issue is the placement of the sign. Melissa said that it looks like the line of sight may be affected, either with your driveway going north, or exiting from the pole barn going south.

Mr. Evans said that it would obviously have to be back away to where you go down the road and look visibly. Mr. Evans said that it's not going to be sitting up off the ground very high.

Melissa Mullins Mischke asked Mr. Evans how far to the road does he anticipate placing the sign.

Mr. Evans said that he would probably put it – there is a circle there – a garden type.

Dwayne Hogan asked if there are any further questions.

Dwayne Hogan said that he will entertain a Motion.

Melissa Mullins Mischke made a Motion that the Petition for Jon-Paul Evans and Brittini Evans to operate an auto repair business out of an existing pole barn on their property located at 5885 N. 400 W., Michigan City, Springfield Twp., zoned Ag. be granted for a period of (1) year with the following stipulations.

- a) The sign be 3x3 lit .
- b) Hours of operation 8:00 a.m.to 5:00 p.m., Monday through Friday.
- c) Not to exceed five (5) vehicles at a time.

Melissa Mullins Mischke said that if there are not problems or complaints within that one (1) year then they can come back to the Board.

Mr. Evans asked if he has to come back within one (1) year of this date.

Dwayne Hogan told Mr. Evans after one (1) year of this date.

Dwayne Hogan asked for a second.

Glen Minich seconded.

Dwayne Hogan asked for comments, questions, or concerns.

All approved. Motion carried 4-0.

**3. The Petition for Michael & Patricia Pawlik** to post signs on their existing storage units, which have presently been posted for fourteen (14) years plus. Petitioners were advised that they needed a variance to continue to advertise these signs off these buildings, as they were not legal at the time they originally went up. This property is located at 6752 W. Johnson Road, La Porte, Coolspring Twp., zoned R1B.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Patricia Pawlik, 6752 W. Johnson Road, La Porte, Indiana

Dwayne Hogan asked for names for the record.

Michael & Patricia Pawlik.

Dwayne Hogan asked Mr. & Mrs. Pawlik what they would like to do this evening.

Patricia Pawlik said that they would like to continue to have their signs posted on their buildings.

Melissa Mullins Mischke asked Mrs. Pawlik at the time your variance was granted, was that sign granted for the storage units only.

Mr. Pawlik said that was twenty (20) years ago and he can't remember.

Annemarie Polan, Building Commissioner, said that it was just the storage units.

Melissa Mullins Mischke asked if that is just the sign advertising the storage units.

Dwayne Hogan asked if there are any other questions.

Glen Minich said that he has a question for our attorney. Glen asked attorney Biege if there are state statutes that come into play here, because he thinks that is why it came before us.

Attorney Biege said that we have requirements in the JZO that if it is on a State Road, that they receive permission to post a sign, but these are wall signs, not billboards. Attorney Biege said on billboards there will be thorough and state requirements. Attorney Biege said that they will be subject to the Joint Zoning Ordinance which already has built into it size limitations and space limitations.

Wally Pritz asked if there are any sign restrictions.

Attorney Biege said that is already built into the Joint Zoning Code. Attorney Biege said that it's a percentage of the total wall space and the distance from the property line. Attorney Biege said that is already factored in. Attorney Biege said that if you grant a variance for the signs they will still have to comply with the Zoning Ordinance on the size of the sign.

Dwayne Hogan asked the size requirements under code.

Attorney Biege said that there is a percentage and a distance.

Annemarie Polan, Building Commissioner said that off premises signs shall not exceed Six Hundred Seventy Two (672') square feet per facing and that's I80 and 94. Annemarie said that off premise signs along all other highways shall not exceed Three-Hundred (300') square feet per facing. Annemarie said that she's looking back at the old ordinance.

Attorney Biege asked Annemarie what Section she's looking at.

Annemarie Polan, Building Commissioner, said that she's looking at Section 8 16 paragraph 2.

Attorney Biege asked if they put these up during the old ordinance.

Annemarie Polan, Building Commissioner is up at the bench going over the old ordinance with attorney Biege.

Attorney Biege said that they will not be grandfathered under the old ordinance and it would be subject to the new ordinance because they never received a variance.

Attorney Biege said that for a wall sign it must not exceed the height of the building; a maximum size of ten (10%) percent of the wall can be covered up to a maximum of one-hundred (100') square feet.

Dwayne Hogan asked Mr. & Mrs. Pawlik the biggest sign they have.

Mr. Pawlik said that he believes that it's sixty-four (64') square feet.

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

Attorney Biege said that it is the distance from the right-of way, two-hundred (200') feet or less.

Attorney Biege asked Mr. Pawlik how far he is from the right-of-way.

Mr. Pawlik said that he's going to say that it's seventy-five (75') feet.

Attorney Biege said that the allowable sign area is one-hundred (100') square feet, or ten (10%) percent of the wall area, whichever is less.

Dwayne Hogan told Mr. Pawlik that he's under.

Glen Minich said that the problem he has that this is going to make a precedent Glen said that do you realize that everyone with a building that sits near the road; if everybody comes in here and asks for a sign, are they going to look at any of these signs.

Mr. Pawlik said that he really never paid attention until they got this, but he doesn't know if everybody that has a sign on a building is going to have to come to you people now, but there are hundreds of them out there.

Annemarie Polan, Building Commissioner told Glen that she told him that when the spokesman for the big sign companies and the fellow from INDOT came to see her, he gave her a stack so there will be more coming and he told her that is just the tip of the iceberg.

Glen Minich said you see my point, if we allow this one, then we are inclined to probably allow other ones and possibly new ones. Glen said where is this going to end.

Mr. Pawlik said that he understands, but he drives around and sees buildings that are painted advertisement on the buildings. Mr. Pawlik said that you have to look at his shoes, if you tell me that I have to take them down, I can drive down Pine Lake Avenue and come back with a list and say "what about all these other people". Mr. Pawlik said they're just trying to do it legally and have this done. Mr. Pawlik said that the people that don't do it, those are the people you should go after. Mr. Pawlik said that he's just defending himself.

Glen Minich said that it's one thing to have a sign that's advertising something in that building, or something, but these are off site signs. It could get out of control.

Dwayne Hogan said that it's going to have to be a one on one bridge to cross when they come up.

Wally Pritz said that he would like to see a more uniform type of sign on the buildings. No disrespect, but we have all kind of different variations of signs here and he thinks being along the road, if it was more uniform it would look a lot nicer. Mr. Pritz said that is his opinion.

Melissa Mullins Mischke told Wally that three of them are the same. Melissa said the second, third and fourth building are all the same size.

Melissa Mullins Mischke said that they are all professionally made signs. It's not like they're drawn; they're all professionally made.

Mrs. Pawlik said that the first building is two different signs.

Glen Minich asked Annamarie if she has any input on this.

Annemarie Polan, Building Commissioner, said that out of the stack that she received thus far, theirs is the only ones that are not posted up front. Annemarie said that they're on the structure and they have been there for a long time. Annemarie said that she can't pick and choose which ones stay; they all have to come before the Board or taken down. Annemarie said that some have taken them down already and some are in the hands from the guy from INDOT. Annemarie said that some will be coming here next month.

Melissa Mullins Mischke said that the difference between these and INDOT are they're not on a state road.

Glen Minich asked if there is anything in the code that is giving us a direction on this.

Attorney Biege said that there are different categories of signs. Attorney Biege said that the issue here is that it's offsite advertisement. Attorney Biege said that if a business wants to have a sign they can. Attorney Biege said that there is also a permitting process, but since this is offsite advertising, that's why this is required.

Attorney Biege said that there are restrictions on all other types of signs and all other types of districts. Attorney Biege said that some signs are absolutely prohibited.

Attorney Biege said that offsite advertising under Section 19.05 (k) except for billboards are prohibited.

Annemarie Polan said that in our new book there is very little room for billboards and signs anymore. Annemarie said that they are not permitted off site.

Attorney Biege said that he drives by these signs all the time and they look nice to him. Attorney Biege said that it's the Board's discretion.

Attorney Biege said that you can also put limitations and requirements just as you would every other variance. Attorney Biege said that you could require for example if they have different advertisers for different signs that the sign be approved by the Building Commissioner before it goes up. Attorney Biege said that you could also require that all signs be uniform in size. Attorney Biege said that's not built in the code, but you can set requirements and limitations as you would any other variance.

Dwayne Hogan asked Mr. & Mrs. Pawlik if they anticipate any more signs going up.

Mr. Pawlik stated no.

Attorney Biege said if we're going to talk about a structure that's built, like a house, or a lot that was formed prior to the conception of the zoning code, in most cases they would be grandfathered in. Attorney Biege said that's not the case for signs. Attorney Biege said that there is not a grandfather provision which allows them to keep the signs because they were up before we passed the Joint Zoning Ordinance. Attorney Biege said that before the Joint Ordinance, it was much more loose in the previous Zoning Ordinance. Attorney Biege said that he just wanted to bring that up technically because it was illegal and they didn't get a variance to begin with should not defend the disadvantage here.

Dwayne Hogan said that they're tactfully put on the Board. Dwayne said that they look fine and they've been there for almost twenty (20) years or so.

Dwayne Hogan asked if there are any questions or concerns of the Board.

Wally Pritz made a Motion that the Petition for Michael & Patricia Pawlik to post signs on their existing storage units be granted. This property is located at 6752 W. Johnson Road, La Porte, Coolspring Twp., zoned R1B.

Melissa Mullins Mischke seconded.

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

All approved Motion carried 4-0.

**4. The Petition for Ed & Carole Loniewski** to continue to lease out two work trailers on this property, currently being used by Rail Works & KL Chempak. Petitioners want to construct a permanent office building on this property to replace the two trailers that are presently located there. This property is located at 2794 & 2796 N. State Road 39, La Porte, Center Twp., zoned M1.

Attorney Biege said that this mailing to Weist – Todd & Donna Weist is addressed to (0) North, Highway 39. Attorney Biege said that the post office returned it saying that there is no such number.

Annemarie Polan, Building Commissioner, told attorney Biege that Ms. Weist called her today and said that she couldn't be here tonight and her concerns were if there was going to be any extra traffic, the size of the building and if they were leasing to the same to companies.

Dwayne Hogan told Annemarie to hold those comments and we will bring them up at the end.

Attorney Biege asked Annemarie if she was aware of the hearing.

Annemarie Polan, Building Commissioner, stated yes.

Attorney Biege said that publication is adequate; certified notice of mail to neighbors is all received, with the exception of Weist, which Annemarie advised that she personally called today. We also have a certified mail receipt for an attempt to Church of Bethel Chapel LP. Notice is adequate.

Dwayne Hogan asked for name and address for the record.

Ed & Carol Loniewski, 2794 & 2796 W. State Road 39, La Porte.

Dwayne Hogan asked Mr. & Mrs. Loniewski what they would like to do this evening.

Mrs. Loniewski said that they currently have two companies that they're renting space to on their property on Highway 39. Mrs. Loniewski said that they're currently in mobile home work trailers. Mrs. Loniewski said that their intent is to put up a building; it was supposed to be put up by now, but unfortunately they didn't know how permanent everything was going to be and we do know that they are going to permanently stay in the county and would like to stay out at the same address so they would like to get a variance to be able to allow them to stay where they're at for at least two or three years so they can secure finances and be able to build an actual office building.

Dwayne Hogan asked Mrs. Loniewski the size of the building.

Mr. Loniewski said that they really don't know yet; probably a 100x70; somewhere around there.

Melissa Mullins Mischke asked if they would build this building within two years; Melissa asked if they would start the building within two years.

Mr. Loniewski said the building would be completed within three years.

Dwayne Hogan asked if there are any questions.

Glen Minich said that it looks like pretty professional, clean and neat.

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

No remonstrators present.

Dwayne Hogan asked Mr. & Mrs. Loniewski if they're going to put up a sign.

Mr. Loniewski stated no. Mr. Loniewski said that they would come back for that.

Dwayne Hogan said that he will entertain a Motion.

Wally Pritz made a Motion that the Petition for Ed & Carole Loniewski to continue to lease out two work trailers be granted on this property for a period of three (3) years. This property is located at 2794 & 2796 N. State Road 39, La Porte, IN, Center Twp., zoned M1.

Glen Minich seconded.

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

All approved. Motion carried 4-0.

**5. The Petition for Wykoff Family Trust** to build a pole barn with a 2<sup>nd</sup> story office and plumbing for a bathroom to be used for employees working on equipment for the farm. This property is located at 8244 E. Highway 20, New Carlisle, IN, Hudson Twp., zoned A on 68.5 acres.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Jason Wykoff, 8244 E. US Highway 20, New Carlisle.

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

Mr. Wykoff said that they would like a variance to build their shop and have an office and a bathroom.

Dwayne Hogan asked if that would all be on the second floor.

Mr. Wykoff said that the office will be two floors; the corner of the top.

Dwayne Hogan asked if it will have an independent septic and well for this building.

Mr. Wykoff stated yes.

Melissa Mullins Mischke asked Mr. Wykoff how big the pole barn is going to be.

Mr. Wykoff said that it will be 80x120.

Melissa Mullins Mischke asked how much of that space will the office occupy.

Mr. Wykoff said 20x40.

Wally Pritz asked if we're talking about a stool and a sink, or will it have a shower.

Mr. Wykoff said that it will not have a shower.

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

Dwayne Hogan asked if there are further questions of the Board.

Glen Minich said that Annemarie made a comment on the existing foundation. Glen asked if this is going where the barn has been demolished.

Mr. Wykoff said that is correct. Mr. Wykoff said that existing foundation is going to be removed.

Dwayne Hogan asked if he's going to build it where that cone is on the property.

Mr. Wykoff stated yes.

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

Dwayne Hogan said that he will entertain a Motion.

Melissa Mullins Mischke made a Motion that the Petition for the Wykoff Family Trust to build a pole barn with a 2<sup>nd</sup> story office and plumbing for a bathroom to be used for employees working on equipment on the farm. This property is located at 8244 E. Highway 20, New Carlisle, IN, Hudson Twp., zoned Ag. on 68.5 acres be granted.

Wally Pritz seconded.

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

All approved. Motion carried 4-0.

**6. The Petition for Anthony J. Oss & Jaime M. Oss** for construction of a home on a lot with only (60') feet of road frontage. (Mr. Oss stated that he had a buyer for this parcel). Variance was granted on October 19<sup>th</sup>, 2010 for construction of a new residence on this parcel. However, the variance was granted for fifty (50') feet of road frontage, with the stipulation that no further subdividing of this property. A copy of the minutes are attached hereto and incorporated herein. Property is located at Horseshoe Bend Drive and 300 N., La Porte, IN., Center Twp., zoned R1B.

Attorney Biege said notice is adequate.  
Dwayne Hogan asked for name and address for the record.

Anthony Oss and Jaime Oss, 3846 Malaga Drive. La Porte, IN.

Dwayne Hogan asked Mr. & Mrs. Oss what they would like to do this evening.

Mr. Oss said that the Agenda noted that the property is at Horseshoe Bend and 200 North and it's actually 300 North.

Mr. Oss said that they're asking for variance to build on this piece of property with sixty (60') feet of road frontage. Mr. Oss said that he knows the last time it went through here in 2010 it said fifty (50') feet, but it is 59.97 per survey. Mr. Oss said that they're selling the property to William & Kimberly Cummings.

Mr. Oss said that they applied for this same request in 2010 and it was granted then, but they decided not to build.

Mr. Oss said that there were some adjustments at the BZA meeting. Mr. Oss said that they adjusted the lines on the parcel so it would make the lots not as awkward as they are.

Dwayne Hogan said that when he went out to this property he said he thought he had done this before.

Melissa Mullins Mischke asked if we're still dealing with Tract C, which is the 11.04 acres.

Mr. Oss stated that's correct. Mr. Oss said that he actually put together a copy of the Plat that shows this and where they're actually putting the home.

Attorney Biege told Mr. Oss that he owns this piece of property and you have a prospective purchaser.

Mr. Oss stated that is correct.

Attorney Biege asked Mr. Oss the purchaser's names.

Mr. Oss said William & Kimberley Cummings.

Dwayne Hogan asked Mr. Cummings to give his address for the record.

Mr. Cummings said that it's 2477 S. Wozniak Road.

Attorney Biege said that he would suggest that we amend the Petition to include both current owners and prospective purchaser.

Board members speaking amongst themselves.

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

Remonstrator:

1. William Dan Tarpley, 1376 Valleywood, La Porte. Mr. Tarpley said that he has about six-hundred (600') feet abutting this eleven (11) acres. Mr. Tarpley said that his concern is to just make sure that it's one home and a nice home with no further subdivisions on this eleven (11) acres. Mr. Tarpley said that he was here last time.

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

Attorney Biege said that he was looking at the minutes from the last time around and it was eight (8) acres. Attorney Biege asked if that was before the survey.

Mr. Oss said that there was eight (8) acres that they were originally purchasing and then once the lines got kind of redrawn here to clean some things up the final survey was eleven point zero four (11.04) acres. Mr. Oss said that they were buying a piece of one parcel and part of another. Mr. Oss said that they're not moving any lot lines at this time and they just want to renew.

Mr. Oss is up at the Bench passing out the survey to the Board Members.

Dwayne Hogan asked if there is anything from the Board.

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

Glen Minich made a Motion that the Petition for Anthony J. Oss & Jaime M. Oss (Sellers) for construction of a home on a lot to be owned and built by William & Kimberly Cummings (Purchasers) with sixty (60') feet of road frontage be granted with no further subdivisions. This property is located at Horseshoe Bend Drive and 300 North, La Porte, IN, Center Twp., zoned R1B.

Attorney Biege asked if the sixty (60') feet of road frontage is an easement.

Mr. Oss stated no. Mr. Oss said that its owned property and they own that.

Mr. Oss and attorney Biege going over the site plan.

Attorney Biege that he would recommend that we simply amend the Petition to add the purchasers.

Glen said that he will amend the Petition and add that William & Kimberly Cummings are the purchasers

Melissa Mullins Mischke seconded.

Dwayne Hogan asked if there are any clarifications.

Melissa Mullins Mischke said that she wants to clarify the purchasers.

All approved. Motion carried 4-0.

Dwayne Hogan asked if there is public comment.

Attorney Biege said that he intended to send the Amended Joint Zoning Ordinance to the Plan Commission Members, as well as the Board of Zoning Members and now we've come up with a couple of issues and we're going to put it off until next month. Attorney Biege said that they had more work to do with regards to mobile homes, manufactured, as well as splits under the subdivision control ordinance.

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

Dwayne Hogan asked for a Motion to adjourn.

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

All approved. Motion carried 4-0.

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

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Dwayne Hogan  
President

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Annemarie Polan, Recording Secretary