



## LAPORTE COUNTY BOARD OF ZONING APPEALS

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**ANNEMARIE POLAN**  
Building Commissioner

April 23, 2013

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, 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;  
Cindy Kreske, Secretary

- 1. The Petition for Donald and Shirley Drewenski** for continued placement of a mobile home. This property is located at 1061 E. Tulip Lane, New Carlisle, IN., Hudson Twp., zoned R3.

Legal work complete. No remonstrators present.

Attorney Biege said that all the adjoining property owners were notified except for Eric Johnson, however there is a receipt for attempt.

Dwayne Hogan asked for name and address for the record.

Donald Drewenski said that the Tulip Lane address is 1061 E. Tulip Lane, New Carlisle.

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

Mr. Drewenski said that he would like to get an extension on his trailer for another three (3) years.

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Dwayne Hogan asked Mr. Drewski if this is his second variance.

Mr. Drewski said that he believes that it is his third variance.

Wally Pritz asked the year of the trailer.

Mr. Drewski said that it is a 1989.

Melissa Mullins Mischke asked Mr. Drewski if he currently resides in the mobile home.

Mr. Drewski said that he uses the trailer as a cottage. Mr. Drewski said that he lives in Illinois.

Dwayne Hogan asked Mr. Drewski if they rent out the mobile home.

Mr. Drewski said that it is an all year around mobile home. Mr. Drewski said that he keeps it open all year and comes up here every weekend.

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

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

Wally Pritz made a Motion for the Donald and Shirley Drewski for continued placement of a mobile home on property located at 1061 E. Tulip Lane, New Carlisle, Hudson Twp., zoned R3 be granted for a period of three (3) years. Candice Adams seconded.

Glen Minich said that his concern is the signage of the addresses. Glen said that if there would be an emergency and have to have 911 out there, seconds count. Glen said that you can get these from the Fire Department and they are nice, bright and reflective sign for the address.

Mr. Drewski asked if that would be on the telephone pole.

Glen Minich said that it would be on the drive.

Dwayne Hogan asked if there was anything else.

All approved. Motion carried 5-0.

- 2. The Petition for Ronald Drewski** for continued placement of a mobile home. This property is located at 6989 E/ Tulip Lane, New Carlisle, IN., Hudson Twp., zoned R3.

Legal work complete.

Ronald Drewenski, 6989 E. Tulip Lane.

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

Mr. Drewenski said he would like continuation of his mobile home.

Dwayne Hogan asked Mr. Drewenski how many variances he has had.

Mr. Drewenski stated three.

Dwayne Hogan asked the year of the mobile home.

Mr. Drewenski said that it is a 1994.

Dwayne Hogan asked Mr. Drewenski if he resides there.

Mr. Drewenski said that he resides in Illinois and uses the mobile home for a cottage.

Dwayne Hogan asked Mr. Drewenski if he keeps it opened year round.

Mr. Drewenski stated yes.

Dwayne Hogan asked Mr. Drewenski if he rents it out.

Mr. Drewenski stated no.

Melissa Mullins Mischke told Mr. Drewenski that it looked very well maintained when she went out there.

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

Glen Minich made a Motion that the Petition for Ronald Drewenski for continued placement of a mobile home be granted for a period of the three (3) years. This property is located at is 6989 E. Tulip Lane, New Carlisle, IN., Hudson Twp. Melissa Mullins Mischke seconded.

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

All approved. Motion carried 5-0.

- 3. The Petition for Dallas and Patty Lawson for continued placement of a mobile home. This property is located at 8501 N. 750 E., New Carlisle, IN, Hudson Twp., zoned Residential.**

Legal work complete.

Patty Lawson, 8501 N. 750 E., New Carlisle, IN.

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

Ms. Lawson said that she would like to keep her trailer where it's at.

Dwayne Hogan asked Ms. Lawson if her last variance was in April of 2010. Dwayne Hogan said that first variance was in 1997.

Dwayne Hogan asked Ms. Lawson the year of her trailer.

Ms. Lawson said that it's a 1995 or 1996.

Dwayne Hogan asked Ms. Lawson if she lives in the mobile home.

Ms. Lawson stated yes.

Dwayne Hogan asked Ms. Lawson if she lives in the mobile home year around.

Ms. Lawson stated yes.

Melissa Mullins Mischke said that she can see that there is another residence on the property.

Ms. Lawson said that her mom lived in that home for years and they took care of her.

Melissa Mullins Mischke if that house is actually 8501 and the mobile home is 8503?

Ms. Lawson said that it's all 8501.

Melissa Mullins Mischke asked if they have the same address for both of them.

Ms. Lawson stated yes. Ms. Lawson said all of that is theirs.

Melissa Mullins Mischke said that no one is living in the house.

Ms. Lawson said that it's storage.

Melissa Mullins Mischke asked if the house is unlivable, or is there a reason why you wouldn't move from the mobile home into the permanent structure.

Ms. Lawson said that it's real small.

Melissa Mullins Mischke said that one of the things that we like to do is to keep mobile homes in mobile home parks if possible. Melissa Mullins Mischke said that if there is another residence on the property that was feasible for you to move into, obviously we'd like to encourage you to do that.

Ms. Lawson said that it is real small and only one room.

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

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

Candice Adams made a Motion that the Petition for Dallas and Patty Lawson for continued placement of their mobile home located at 8501 N. 750 E., New Carlisle, IN, zoned residential be granted for three (3) years renewable. Wally Pritz seconded.

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

All approved. Motion carried 5-0.

**4. The Petition for Gerald D. & Lyn D. Johnson to sell cars, trucks, suv's, motorcycles Scooters, and ATV's. This property is located on Highway 4 and 150 East, La Porte, Pleasant Twp., zoned R1B.**

Legal work complete. No remonstrators present.

Lyn Johnson, 752 S. 150 East. Gerald Johnson, 752 S. 150 East.

Dwayne Hogan asked what they wanted to do this evening.

Lyn Johnson said that they would like to get a variance to sell cars, ATV's, trucks, suv's, scooters, boats and motorcycles on the corner of Highway 4 and 150 East.

Dwayne Hogan said that is in addition to the variance already granted to sell watercrafts, jet ski's and snowmobiles.

Mr. Johnson said that is correct.

Dwayne Hogan asked if it would be the same hours. Dwayne Hogan asked if it would be closed on Sundays.

Mr. Johnson stated yes.

Dwayne Hogan asked Mr. Johnson if they already have a sign there.

Mr. Johnson said that they have a sign.

Dwayne Hogan asked Mr. Johnson if they were going to add anymore to the sign.

Mr. Johnson said that they probably wouldn't be adding anymore to the sign.

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

Candice Adams asked Mr. Johnson if they owned the property across the street.

Candice asked Mr. Johnson if they wanted to park cars across the Street on Highway 4 for sale.

Mr. Johnson stated yes.

Candice Adams asked if it is going to block any traffic.

Mr. Johnson stated no.

Wally Pritz asked Mr. Johnson if that was his residence.

Mr. Johnson stated no.

Melissa Mullins Mischke said that when she drove along Highway 4 she didn't think there was a problem with line of sight on that corner at all with the property being so far off the pavement.

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

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

Glen Minich asked how we are going to grant this since there already is a previous variance.

Melissa Mullins Mischke said that she thinks that we just put all of them there.

Attorney Biege said that he would suggest since there is already a variance existing, if you choose to grant the variance, grant on everything including the pre-existing. Attorney Biege said that he thinks the total they're applying for is cars, trucks, SUV's, motorcycles, scooters and ATV's. Attorney Biege asked if there is a restriction on business hours on the previous business.

Melissa Mullins Mischke said 8:00 a.m. to 5:30 p.m, Monday through Saturday.

Dwayne Hogan asked Mr. Johnson if it would be the same hours.

Mr. Johnson stated yes.

Dwayne Hogan told Mr. Johnson if they're thinking anything different on the sign, now is the time to ask.

Mr. Johnson said that they would like to make a bigger sign.

Candice Adams asked Mr. Johnson how much bigger.

Mr. Johnson said a 4x8.

Dwayne Hogan asked Mr. Johnson if it's going to have lights on the sign.

Mr. Johnson stated no.

Melissa Mullins Michke made a Motion that the Petition for Gerald D. & Lyn D. Johnson to sell cars, trucks, suv's, motorcycles, scooters, ATV's, jet ski's, small power boats and snowmobiles at the property located at State Road 4 and 150 East be granted, with operating hours of Monday through Saturday 8:00 a.m. to 5:30 p.m., and a 4x8 sign be granted. Candice Adams seconded.

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

All approved. Motion carried 5-0.

**5. The Petition for Robert Panzke & Brenda Kujawski Panzke for continued placement of a mobile home. This property is located at 8749 E. Sunnyside Drive, New Carlisle, Hudson Twp., zoned R1B.**

Legal work complete. No remonstrators present.

Robert Panzke, 8749 E. Sunnyside Drive.

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

Mr. Panzke said that he would like to get a variance on the trailer for another three (3) years if he can. Mr. Panzke said that when he bought the place nobody told him that he had to have this.

Dwayne Hogan asked Mr. Panzke if he lived there.

Mr. Panzke said that it is a summer home.

Dwayne Hogan asked Mr. Panzke if he goes back there for the summer.

Mr. Panzke said that he lives in Chicago.

Dwayne Hogan asked Mr. Panzke how long the mobile home has been for sale.

Mr. Panzke said that he put it up for sale.

Dwayne Hogan asked if he put it up for sale recently.

Mr. Panzke stated yes.

Melissa Mullins Mischke asked Mr. Panzke how long the mobile home has been there.

Mr. Panzke stated that he doesn't know.

Melissa Mullins Mischke asked Mr. Panzke if he rents this at anytime.

Mr. Panzke said he and his wife are the only ones that live in the mobile home.

Dwayne Hogan said that the problem he's having is granting a variance for something that you are going to sell.

Mr. Panzke said that the real estate agent that they signed with was told that they would have to have a variance.

Melissa Mullins Mischke said that they have to come in for a variance.

Mr. Panzke said that they were told they have to come in for a variance because he got stuck with it, and he didn't want anyone else to get stuck with it. Mr. Panzke said that he didn't know anything about a variance.

Glen Minich said that is the problem that we have right now is that we really should be granting the variance to the new owner.

Mr. Panzke said that there is nobody on it and he's got it where the people are supposed to go for a variance.

Candice Adams asked Mr. Panzke if he has a pending offer on the property.

Mr. Panzke stated no.

Wally Pritz said that if we grant this variance and then at the time of the sale and closing the variance would cease and the new people would have to come in and get a variance.

Mr. Pantzke said that the real estate agency is supposed to tell the people about the variance.

Attorney Biege said that one mechanism we could use to ensure notification of any interested property owner would be to record the variance. Attorney Biege said that the Title Company would pick that up in a purchase agreement and the new owner would be put on notice.

Wally Pritz said that is what he would like to see this happen.

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

Melissa Mullins Mischke asked Mr. Pantzke the year of the mobile home.

Mr. Pantzke said that he's pretty sure it's a 1998.

Melissa Mullins Mischke asked Mr. Pantzke if he remodeled the whole mobile home.

Mr. Pantzke said that he did the whole outside of the mobile home and a new roof.  
Mr. Pantzke said that he doesn't want to sell it, but his wife wants to go to Tennessee.

Melissa Mullins Mischke told Mr. Pantzke that he could move it to Tennessee.

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

Glen Minich said that he doesn't know where we're supposed to go with this. Mr. Minich said that it's a heartbreaker for us because you shouldn't have been sold this. Mr. Minich said that he doesn't know how much money you've invested in this property, but we're not actually trying to place new trailers in the county without being in a mobile home park. Mr. Minich said that we don't feel they're safe.

Wally Pritz said that our Attorney could draft a thing that we would need to make it have a three (3) year continuance under mobile home, with a termination date upon sale; then the new buyers would have to get a variance. Wally said that if you can't move the mobile home, then he wouldn't be able to ask that it be moved into a mobile home park.

Dwayne Hogan asked Mr. Pantzke how long he's owned the mobile home.

Mr. Pantzke said about five and a half years now. Mr. Pantzke said that the trailer is mounted to the ground. Mr. Pantzke said that there are no wheels or axle on it.

Dwayne Hogan asked the pleasure of the Board. Dwayne said that this is a very tough one. Dwayne said that there has to be some kind of a time frame to consider.

Glen Minich said that he really hates to say this, but the property is really only worth the costs of the -----

Mr. Pantzke said that if he would have had to take the trailer out of there, he wouldn't be getting that much.

Dwayne Hogan asked the pleasure of the Board.

Attorney Biege said that we can do it one or two ways; we could certainly grant it only to them and require any purchaser to come back and the way he would suggest we draft it is that the variance automatically revokes on acceptance of a purchase offer and he will include specific language where the new purchaser would have to apply for a variance.

Attorney Biege said that any prospective purchaser would be on notice by recording the document.

Wally Pritz said that his feeling again is the fact that the unit is permanently set there and maybe that would have to be a consideration what we're talking about. Mr. Pritz said that there is no way he can move that mobile home.

Wally Pritz made a Motion based on the Attorney's language we would give him a three (3) year variance, or continuation to the mobile home unit, on the property located at 8749 E. Sunnyside Drive, New Carlisle for a period of three (3) years, with the stipulation that this variance terminates upon an accepted offer on this mobile home. Candice Adams seconded.

Attorney Biege asked Mr. Pantzke if he listed the property with a realtor.

Mr. Pantzke stated yes.

Glen Minich asked Mr. Pantzke how long he listed the property for.

Mr. Pantzke said that it is almost eight (8) months.

Attorney Biege asked if it runs out eight (8) months from now.

Mr. Pantzke stated yes. Mr. Pantzke said he's not getting any bites or nothing.

Attorney Biege said that you could set the variance time line in concert with the attempt for his listing. Attorney Biege said that if his listing expires in eight (8) months----

Dwayne Hogan asked Mr. Pantzke if he just listed that.

Mr. Pantzke said that it has been up for sale almost eight (8) months now.

Attorney Biege asked Mr. Pantzke when his listing agreement runs out.

Mr. Pantzke said that he thinks it was about six (6) months, but then the real estate broker wanted to put it back on the market again and try, because he had no bites and nobody looking.

Attorney Biege said that when you sign an agreement with a realtor to list a property, it's for a period of time.

Mr. Pantzke said that he thinks it's about a six (6) month term.

Melissa Mullins Mischke asked Mr. Pantzke if he just recently put it back on for an additional six (6) months.

Mr. Pantzke said maybe about two months ago.

Melissa Mullins Mischke asked for an additional six (6) months.

Mr. Pantzke stated yes.

Board members speaking amongst themselves.

Glen Minich said that he thinks that he's done with the three (3) years. Mr. Minich said that he's sorry, but it's not a marketable item, it's a marketable lot. Mr. Minich said that it's a nice lot.

Mr. Pantzke said that he likes it there.

Dwayne Hogan said that we have a Motion.

Voting Aye: Dwayne Hogan, Candice Adams, Wally Pritz and Glen Minich.

Voting Nay: Melissa Mullins Mischke.

Motion carried 4-1.

- 6. The Petition for Leigh Hansen (Purchaser) and Millicent Jenkins & Amanda Messman (Owners) to operate a restaurant out of a residence for ten to twelve people, one to three days per week. This property is located at 8734 W. 400 N., Michigan City, IN, Coolspring Twp., zoned R1B.**

Legal work complete. Attorney Biege said that he has returned certified mail receipts for everyone except David C. Knoll, however he does have a receipt for a mailing attempt.

Dwayne Hogan asked for name and address for the record.

Leigh Hansen, 8734 W. 400 N., Michigan City, Indiana.

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

Ms. Hansen said that she would like to apply for a "Use" variance for commercial on a residential property.

Dwayne Hogan asked Ms. Hansen where she sees this going.

Ms. Hansen said that it's not going to be nothing too expansive. Ms. Hansen said that they want to keep it very small and not change the look or feel of the property itself, other than to add a sort of homestead like garden; maybe have ducks, chickens, and those kind of things. Ms. Hansen said that the general outlook is to be able to provide a menu for about two to three seatings a week for ten people each seating; reservation only. Ms. Hansen said that many of these items will be grown on the premises. Ms. Hansen said what they can't provide themselves, they would look to other farmers in the area.

Ms Hansen said that she's already talked to the Health Department about the different regulations for the chickens. Ms. Hansen said that she's not the current owner so she didn't want to go too deeply into it for fear that it might not be going anywhere.

Dwayne Hogan asked if this is a contingent offer on this.

Ms. Hansen said that she has a contingent offer on this property.

Dwayne Hogan said that he would start with questions from the Board.

Candice Adams was talking about the parking.

Ms. Hansen said that they're talking about maybe five (5) cars; maybe six (6) max. Ms. Hansen said that there is a big driveway that goes up to the garage. Ms. Hansen said that it is a long driveway.

Candice Adams asked Ms. Hansen if someone is going to be living there.

Ms. Hansen said that she will be living there.

Dwayne Hogan asked if she was going to live in the back and have the restaurant up front.

Ms. Hansen said that it's a two story house and all of the residential would be up on the second floor and they would have a commercial place on the first floor.

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

Remonstrators:

1. Beverly Gloyeske said that she does not live at the address, she lives at 725 N. 4 E., Valparaiso, Indiana, but she does own the property with her husband. Ms. Gloyeske said that the Petition sounds really good, but she has a couple questions. Ms. Gloyeske asked if it would change to be larger, would that have to come back again for a hearing.

Dwayne Hogan asked if that is changing the footprint of the building.

Ms. Gloyeske said no. Ms. Gloyeske said the number of people and how many days a week.

Dwayne Hogan said if you are saying ten (10) people and you want to do it for forty (40) people, you're going from a small setting to a banquet.

Ms. Gloyeske said that the only other comment she would like to make, and she doesn't know if she knows this or not, but the field that is directly to the West will soon be filled with animals. Ms. Gloyeske asked Ms. Hansen if she was aware of that.

Ms. Hansen stated yes.

Ms. Gloyeske said that she didn't want her to do it and then find out there is a full pasture of animals there.

Ms. Gloyeske said that the plan sounds good and it sounds like she has thought it out.

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

Candice Adams said that she kind of struggles with the concept and the location.

Dwayne Hogan asked what's going to be the theme of the ---- the flavor for what you're going to have inside there; is it all organic, or all home grown.

Ms. Hansen said all home grown as much as possible.

Dwayne Hogan asked Ms. Hansen if she has a name picked out.

Ms. Hansen said that it's (Tmip), which is the most important part and it's to be determined by whoever's there what the most important part is. Ms. Hansen said the food ---- the idea is to

really shine the light on local produce and local agriculture on a small scale so that the chefs will be able to really cater a menu to what they have fresh, local and available.

Dwayne Hogan asked Ms. Hansen if she is lined up for the chef.

Ms. Hansen stated yes.

Candice Adams asked Ms. Hansen if this is what she sees the property to look like in the future. Candice asked Ms. Hansen if this was her drawing.

Ms. Hansen stated yes. Ms. Hansen said that her dad is an architect and he drew the drawing.

Ms. Hansen said that the idea right now is it has a sort of an addition that she thinks was put on in the seventies and it's wood and it just doesn't feel congruous to the feel of the rest of the house. Ms. Hansen said what they are proposing is just to make it look more like a part of the house as opposed to the add on.

Dwayne Hogan asked Ms. Hansen if she is going to have beer/wine liquor with this.

Ms. Hansen said probably just beer/wine.

Board members speaking amongst themselves.

Glen Minich said that his biggest concern about this property ---- what you're doing is fine, but he thinks you are going to have to put a little more money in this. Glen told Ms. Hansen that she only has a single lane entrance and there's only a drive for one car; that means one coming in or one coming out and that road is a pretty busy road. Glen said that he's afraid it's going to cause some congestion.

Dwayne Hogan told Ms. Hansen that she's definitely going to have to expand the driveway.

Glen Minich said that has a culvert and there's some extra expense there; you're going to have to extend that culvert. Glen said that he thinks there should be room for a car to come in and a car to come out.

Dwayne Hogan asked if she is going to keep one bathroom, or add another.

Ms. Hansen said that they're planning on adding another bathroom. Ms. Hansen said that there is a bathroom upstairs actually that's not listed on the real estate thing for some reason, but it's a full bathroom.

Dwayne Hogan asked if the kitchen would be remodeled to be a restaurant kitchen.

Ms. Hansen said that it will be a commercially certified.

Dwayne Hogan asked if the Board of Health would check everything else out to make sure it's up to code.

Glen Minich said that he's not sure about the septic or well.

Ms. Hansen said that she didn't want to dive too far into it and spend money on trying to get people out to determine that unless she actually owns the property. Ms. Hansen said that her contract is contingent upon the variance being approved.

Dwayne Hogan asked Ms. Hansen when she sees this opening up for business if this is granted tonight.

Ms. Hansen said probably not for another year; the restaurant part. Ms. Hansen said that they've a lot of work to do.

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

Glen Minich said that the way this Petition is written it's for Leigh Hansen and then it's also written for Millicent Jenkins and Amanda Messman.

Ms. Hansen said that they're the current owners. Ms. Hansen said that they're selling the property.

Dwayne Hogan asked Ms. Hansen if she is going to be the only owner.

Ms. Hansen said correct.

Glen Minich said shouldn't the Petition simply be for -----

Annemarie Polan, Building Commissioner, told Glen that the owners' names needed to be on the Petition.

Board members speaking amongst themselves.

Wally Pritz asked Ms. Hansen if this is going to be strictly a sit down.

Ms. Hansen stated yes and reservation only.

Ms. Hansen said that people will come at a specific time; one seating, it's not like we have multiple people coming in and out.

Dwayne Hogan asked Ms. Hansen if she is going to want a sign in front of this.

Ms. Hansen said that she didn't think so. Ms. Hansen said that they want to keep it really low key ---- like you're pulling up to somebody's farm house. Ms. Hansen said they don't want to change at all the way it looks on the outside.

Melissa Mullins Mischke asked Ms. Hansen what kind of hours she anticipates being open.

Ms. Hansen said for one seating if we were to start the dinner at 7:00 p.m., you could assume people would get there around 6:00 or 6:30 p.m. if they wanted to sit and have a drink or something like that; then probably for a tasting menu of two (2) hours, so we'd close by 10:00 p.m. at the latest.

Dwayne Hogan asked if it is going to be strictly an evening meal only. Dwayne asked Ms. Hansen if she is going to have lunches.

Ms. Hansen said that they were talking about doing sometime a little more casual.

Dwayne Hogan said that those hours you are talking about now maybe like something 11:00 in the morning until 10:00 at night so your hour frames are covered.

Ms. Hansen stated yes. Ms. Hansen said that would probably be good.

Melissa Mullins Mischke asked if it would be five to six days a week.

Ms. Hansen said that as long as we are being safe, probably we'll say seven, but she doubts it would be that.

Board members speaking amongst themselves.

Dwayne Hogan told Ms. Hansen to make sure she works with the Fire Department for the inspections. Dwayne told Ms. Hansen that everything in the kitchen will have to be up to code.

Ms. Hansen said that she has gone with the Health Department and sort of started to see what it will take, but she hasn't fully.

Dwayne Hogan told Ms. Hansen to get a hold of Nipsco as well.

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

Melissa Mullins Mischke made a Motion for the Petition for Leigh Hansen (Purchaser) and Millicent Jenkins & Amanda Messman (owners) to operate a restaurant from a residence with the hours of 11:00 a.m. to 10:00 p.m. seven days a week with no sign at the property located at 8734 W. 400 N., Michigan City, Indiana be granted. Glen Minich seconded.

Dwayne Hogan said that he will now take comments or concerns.

Glen Minich said that his only concern is about the driveway. Glen asked if we need to list that improvement, or do we just need to require it.

Attorney Biege said that we have a section on parking and transportation requirements. Attorney Biege said either she complies with the parking section, or we grant a variance from developmental standards. Attorney Biege said that she's going to need a variance for developmental standards for that parking and she didn't advertise for that. Attorney Biege said that he thinks the Board needs to decide which way it wants to go on that. Attorney Biege said that he's browsing through this and it doesn't sound like the driveway complies in any way. Attorney Biege said that there are width requirements; there are vehicle requirements and maneuvering requirements. Attorney Biege said that he doesn't know if the Board wants to waive all that or not.

Attorney Biege said that the second question he had is she spoke about the number of customers at a time.

Melissa Mullins Mischke said that she intentionally skipped over the ten (10) to twelve (12) people because she wasn't sure.

Dwayne Hogan said that he thinks it's too low.

Ms. Hansen said that there is not anymore room than that and they want to keep it probably a communal table as to multiples.

Glen Minich said that his concern is the safety of the drive. Glen asked if we make her continue with the Developmental Standards, what is that going to entail for her.

Attorney Biege said that if you're going to require her to comply with the Developmental Standards, she will have to design a parking lot to comply with code and install it. Attorney Biege said that if she can't, or she doesn't have room, she will have to come back for a variance on Developmental Standards. Attorney Biege said that may be the way to go and give her a chance to see if she can comply with it or not. Attorney Biege said that she is going to have to re-advertise anyway.

Dwayne Hogan told Ms. Hansen not to get discouraged.

Melissa Mullins Mischke told Ms. Hansen to talk to the County Highway Department because access off of 875 might be....

Glen Minich said that you would actually have a more intimate entrance off of 875 than you would off of 400. Glen told Ms. Hansen as long as she's making the improvement, maybe you could make a circle and come in one way and out the other way.

Glen Minich said that we will just leave it with the Standards that are there and if it's going to change...

Attorney Biege told Ms. Hansen that she mentioned animals. Attorney Biege said that it's a residential area so whatever animals you might have you are still going to be restricted to the code.

Wally Pritz asked Ms. Hansen if she ever going to attempt to have out door eating.

Ms. Hansen said perhaps, but probably not formal where we would actually serve the whole meal. Ms. Hansen said it would be more of allowing people to go have a glass of wine outside, or something like that.

Attorney Biege said that he was just looking through the accommodation of food services section and there is a restriction in bed and breakfast for example, that the operation be confined within the residence. Attorney Biege said that if she wants to have anything outside we should probably address it.

Ms. Hansen said that she would ask for it.

Attorney Biege said that it's not considered a bed and breakfast, but on the other hand it's up to the Board's discretion of course, but if we're going to hold a bed and breakfast in a residential area to that Standard, it seems to him that the restaurant should be treated similarly.

Ms. Hansen said that she would ask for that too.

Melissa Mullins Mischke said that she will amend her Motion that the Petition for Leigh Hansen (Purchaser) and Millicent Jenkins and Amanda Messman (owners) to operate a restaurant out of a residence for less than twenty (20) people, to include out door eating, with hours of operation 11:00 a.m. to 10:00 p.m., seven (7) days week with no signage be granted. Property located at 8734 W. 400 N., Michigan City. Glen Minich seconded the amended Motion.

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

Wally Pritz said that he thinks that she should be allowed to have a little sign so that anybody coming from anywhere, let's say Valparaiso, knows that is the place.

Dwayne Hogan asked what size of a sign you are allowed without asking.

Dwayne Hogan said that it could be a 2x3.

Ms. Hansen said that would be sufficient.

All approved. Motion carried 5-0.

Melissa Mullins Mischke told Ms. Hansen that she might want to talk with Annemarie and she's sure that she can get you in touch with the Highway Department and help you out with the improvements of the driveway, or moving the access of the county road.

Dwayne Hogan told Ms. Hansen to also talk with Annemarie for the building permits on the remodeling.

**7. The Petition for Robert & Lisa Rea** for an addition on their existing home to the rear of his property with a fifteen (15') foot set back instead of the required twenty-five (25') foot setback. This property is located at 7088 N. Bunde Ave., New Carlisle, Hudson Twp., zoned R1B.

Legal work complete.

Dwayne Hogan asked for names and address.

Robert Rea, 7088 N. Bunde Avenue, New Carlisle, Indiana. Lisa Rea.

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

Mr. Rea said that they would like to get a variance to have a fifteen (15') foot setback from the rear of their property instead of the required twenty-five (25') foot.

Melissa Mullins Mischke asked Mr. Rea which direction he considers to be the rear of the property.

Mr. Rea said it would be towards the west.

Wally Pritz said that would put it in the back by the fence line. Wally Pritz said that he seems to have a fair amount of property to the left from the existing house.

Mr. Rea stated yes.

Dwayne Hogan asked if there were any remonstrators here this evening for Petition #7.

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

Wally Pritz made a Motion that the Petition for Robert & Lisa Rea for an addition on their existing home to rear of his property with a fifteen (15') foot setback instead of the required twenty-five (25') foot setback be granted on property located at 7088 N. Bunde Avenue, New Carlisle, Indiana, Hudson Twp., zoned R1B. Candice Adams seconded.

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

All approved. Motion carried 5-0.

**8. The Petition for Robert Kiger to operate an antique/custom furniture/gift shop and with a sign "Forrester Road Mercantile". This property is located at 0754 S. Forrester Road, La Porte, IN, Scipio Twp., zoned Agricultural.**

Legal work complete.

Attorney Biege said that he spoke with Mr. Kiger before he Petitioned and it was arguable whether he had to come in for a variance. Attorney Biege said that he couldn't find the original and it wasn't clear, so to keep him covered, he thought he should come in. Attorney Biege said that he thinks it is tenuous as to whether he needs another variance.

Dwayne Hogan asked if those are the records from 1993.

Attorney Biege stated yes, but there was a restriction on what he was doing and he wanted to expand a little bit, so he thought it would be better to be safe. Attorney Biege said that in his opinion it's arguably under the first, but we wanted to keep him covered.

Wally Pritz said that he believes the first one was for cabinetry.

Dwayne Hogan asked for name and address for the record.

Bob Kiger, 0754 S. Forrester Road, La Porte.

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

Mr. Kiger said that basically again they want to open specifically antiques and custom furniture and it's going to be Forrester Road Mercantile, which is another name.

Melissa Mullins Mischke asked Mr. Kiger if he is going to continue doing cabinets, or...

Mr. Kiger said that they still do the cabinet construction work and this is something else they want to do.

Melissa Mullins Mischke asked if that is the antiques and cabinets.

Mr. Kiger said that it's just another addition to their business.

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

Melissa Mullins Mischke asked Mr. Kiger if he anticipates changing hours of operation.

Mr. Kiger said that they live there so they work seven (7) days a week. Mr. Kiger said that initially they're going to start out on weekends with the antique shop, but it would be 9:00 a.m. to 5:00 p.m. seven (7) days a week.

Melissa Mullins Mischke asked Mr. Kiger if the two are in the same location.

Mr. Kiger stated yes.

Melissa Mullins Mischke asked Mr. Kiger if he wanted to cover cabinets and the antique shop from 9:00 a.m. to 5:00 p.m.

Mr. Kiger said that they have the existing variance either in 1992 or 1993.

Melissa Mullins Mischke Mr. Kiger if he is planning on changing any signage.

Mr. Kiger said that they took down the Cabinet Store Sign, it was a four by eight, but what they want to do as you come out of the driveway on both sides of the driveway, it will be a rusty sign with (inaudible) painted green.

Dwayne Hogan asked Mr. Kiger the size.

Mr. Kiger said that it will be roughly three by eight. Mr. Kiger said that there won't be any electric lights.

Mr. Kiger said that they would like to put a light on it.

Glen Minich asked if this is a second sign in addition to the first.

Mr. Kiger said no.

Glen Minich said we're still looking at the sign no larger than thirty two square feet lit.

Melissa Mullins Mischke said that he's asking for a three by eight.

Mr. Kiger said four by eight at the max, but he just wants to clarify that when you're going out the driveway they want to have two of them; one on each side. Mr. Kiger said before he just had one. Mr. Kiger said that it's in a different location now moved over about fifty feet to the north.

Wally Pritz asked Mr. Kiger if he'd be asking for three by eight on each side.

Mr. Kiger said plus the structure. Mr. Kiger said in essence two four by eights for the overall size.

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

Dwayne Hogan asked for a Motion.

Melissa Mullins Mischke made a Motion that the Petition for Robert Kiger to operate an antique/custom furniture/gift shop and cabinet sales business with the hours of 9:00 a.m. to 5:00 p.m. seven days a week and two signs lit not to exceed four by eight feet be granted at the property at 0754 S., Forrester Road in La Porte. Candice Adams seconded.

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

Attorney Biege said that he just noticed, but his previous variance was only for cabinet sales. Attorney Biege asked Bob if he makes cabinets.

Mr. Kiger stated yes.

Attorney Biege said that he thinks that we should have some language.

Candice Adams asked if custom furniture is not good enough.

Attorney Biege said to add "working in construction" of and that will cover us.

Attorney Biege said that the previous variance didn't mention actually making them.

Wally Pritz asked Mr. Kiger if the 5:00 in the evening is too short with Garwood's being there.

Mr. Kiger said that once Garwood's gets going it's crazy. Dwayne Hogan told Mr. Kiger to ask now if he wants longer hours.

Mr. Kiger said maybe 9:00 a.m. to 8:00 p.m. at the max.

Dwayne Hogan said 9:00 a.m. to 9:00 p.m.

Dwayne Hogan asked if that is a Motion.

All approved. Motion carried 5-0.

“The Philips Conference Recording System went down; therefore, I, Darlene Pavey will be putting in Attorney Biege’s Findings of Fact and Conclusion of Law for Variance Use for Mr. Kiger and Petition No. 9, Kim Huston and Scott Chapman).

The Petition for Robert Kiger.

1. That the Petitioner owns property specified in such petition located at 0754 S. Forrester Road, La Porte, Indiana. The subject property is currently zoned Agricultural.

2. That the Petitioner seeks a Variance of Use to use the property to operate a store offering woodworking, antique/custom furniture, cabinets, and gifts. Petition furtherer seeks to erect a sign that reads, “Forrester Road Mercantile”.

3. Such Petition is GRANTED. The La Porte County Board of Zoning Appeals, further finds as follows:

- a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
- b) The use and value of the area adjacent to the property included in the variance shall not be affected in a substantially adverse manner in that the continuing business is a minor departure from the current business.
- c) The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the Variance of Use is sought.
- d) The approval does not interfere substantially with the Comprehensive Plan.

4. That the granting of this Variance of Use is made subject to the following conditions:

- a) The hours of operation shall be limited to 9:00 a.m. to 9:00 p.m., seven days per week.
- b) Two lighted 4’ x 8’ signs may be installed.

A copy of the Findings of Fact and Conclusions of Law for Variance of Use is attached hereto and incorporated herein.

**9. The Petition for Kim Huston and Scott Chapman to construct an accessory building without existing residence. This property is located at 8392 E. Lakeshore Drive, New**

Carlisle, IN, Hudson Twp., zoned R1B.

Legal work complete.

There were remonstrators present who voiced concerns and objections concerning their view of the lake, environmental concerns, and the effect on the surrounding area.

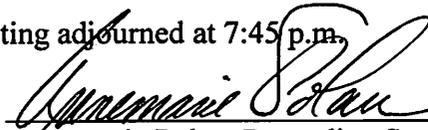
After hearing all of the evidence to be presented, the Board of Zoning Appeals made the following Findings of Fact and Conclusions of Law:

1. The Board has jurisdiction of the parties and subject matter.
2. That the Petitioner owns property specified in such petition located at 8392 E. Lakeshore Drive, New Carlisle, Indiana. The property is currently zoned Residential R1B.
3. That the Petitioner seeks a Variance from Development Standards for construction of a roofed pavilion on a vacant lot that does not meet residential dwelling standards.
4. Such Petition is GRANTED on the following conditions:
  - a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
  - b) The use and value of the area adjacent to the property included in the variance shall not be affected in a substantially adverse manner in that the suggested structure is consistent with local use of the lake.
  - c) The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. Practical difficulties shall result from exceptional or extraordinary circumstances or condition applying to the property that do not apply generally to other properties in the same zoning district. The variance shall be necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district. The nature of the lot lends itself to the proposed structure for recreational use.
  - d) The approval does not interfere substantially with the Comprehensive Plan.

A copy of this Findings of Fact and Conclusions of Law for Variance From Developmental Standards is attached hereto and incorporated herein.

There being no further business, meeting adjourned at 7:45 p.m.

\_\_\_\_\_  
Dwayne Hogan, Chairman

  
\_\_\_\_\_  
Annemarie Polan, Recording Secretary