

December 16, 2008 - BZA MINUTES

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, December 16, 2008, at 6:00 p.m. in the Assembly Room of the County Complex.

MEMBERS PRESENT: Dwayne Hogan Paul Zona
 Ed Kogut Melissa Mullins Mischke
 William Eaton

OTHERS PRESENT: Robert Szilagyi, Board Atty., Ray Hamilton, Recording Secretary,
 Darlene Pavey, Secretary

The Pledge of Allegiance.

President Dwayne Hogan read Procedures for presenting petitions to the Board.

Melissa Mullins Mischke made a motion to approve the Minutes from the November 18, 2008, meeting. Ed Kogut seconded. All approved.

1. The petition for Miles Ostergren to create two buildable parcels with access onto County Road 50 South without required road frontage and greater than 3-1 ratio. This property is near the North side of County Road 50 South, half mile East of County Road 700 West., New Durham, Twp. **(This matter is tabled to November 18, 2008 at 6:00 (p.m. Matter tabled to December 16, 2008, at 6:00 p.m.. Parties failed to appear and this matter is tabled for the final hearing on January 20, 2009 at 6:00 p.m.)**

2. The petition for Peggy Majors, James Lindsey, Desie Bealor and Delmon Lindsey for continued place of a mobile home. This property is located at 0212 W. Hupp Road, La Porte, Indiana 46350, Pleasant Twp., zoned R-2.

Legal Work Complete. No Remonstrators present.

James Lindsey, 102 W. Hupp Road stated to the Board that he would like to continue placement of the mobile home.

William Eaton asked Mr. Lindsey if he lived in the mobile home with his wife?

Mr. Lindsey stated that he is the only one residing in the mobile home and that he is not married.

Dwayne Hogan asked Mr. Lindsey who owned the mobile home?

Mr. Lindsey stated that all the sibling own the mobile home. He also stated that his father passed away and the mobile home was left in all the siblings' names.

William Eaton asked Mr. Lindsey if he was the only one occupying the mobile home?

Mr. Lindsey stated that he is taking care of the place.

Ed Kogut asked Mr. Lindsey if they have been before this Board for a variance every three years?

Mr. Lindsey stated that they knew nothing about the variance. He said that his father told the family that he had a life time permit and that mobile home has been there for twenty-two years.

Ed Kogut asked Mr. Lindsey how long his father has been deceased?

Mr. Lindsey stated that his father passed away two years ago on December the 15th.

Melissa Mullins Mischke asked Mr. Lindsey if the original permit was granted to his father?

Mr. Lindsey stated yes.

Ed Kogut asked Mr. Lindsey what his plans were for this mobile home?

Mr. Lindsey stated that he plans to tear down the mobile home in the near future and build a house.

Ed Kogut asked Mr. Lindsey how much land did he have?

Mr. Lindsey sated that there are two lots there and he wasn't sure; maybe a half acre or a little over.

Dessie Bealor stated that there was a house there at one time and it burnt down. She stated that her parents bought the property and put the mobile home on that piece of property. Dwayne Hogan asked Mr. Lindsey how long the addition has been on the mobile home?

Dessie Bealor stated the addition has been there since 1978.

Ed Kogut asked Mr. Lindsey if he has any intentions of moving the mobile home and building a new home?

Mr. Lindsey stated yes.

Ed Kogut asked if he had a time frame?

Mr. Lindsey stated within the next two years.

William Eaton made a motion for Peggy Majors, James Lindsey, Dessie Bealor and Delmon Lindsey to continue placement of a mobile home. Property is located at 0102 W. Hupp Road, La Porte, Indiana, Pleasant Twp. for a two year period. Ed Kogut seconded. All approved.

3. The petition for **David Zurek and Julie Zurek** to retain existing home as a non-rental guesthouse for the duration of ownership and option to subdivide for the purpose of financing a new house. This property is located at 6721 N. 200 E., La Porte, Indiana, Galena Twp., zoned Agricultural.

Legal Work complete. No Remonstrators present.

David Zurek stated to the Board that he wants to build a new home on this property, however they want to keep the old farm house as it was built in the 1900's as a guest house. Mr. Zurek stated that he might have to split this property into a three to five acre parcel where the new house will be for the purpose of obtaining a loan.

Dwayne Hogan asked Mr. Zurek how many acres?

Mr. Zurek stated that there is forty acres total.

Ed Kogut asked Mr. Zurek what the road frontage is on that piece of property?

David Zurek stated that he is behind other parcels and that he has a right-of-way.

Paul Zona made a motion that the Petition for David Zurek and Julie Zurek to retain existing home as a non-rental quest house for the duration of ownership by them and the option

to subdivide for the exclusive purpose of refinancing. Once the refinancing is completed then the parcels must be re-deeded as a single parcel. William Eaton seconded. All approved.

4. The petition for David & Joyce Powless to put a 10x24 sign in residential zoning. This property is located at 4656 W. 900 N., Michigan City, Indiana, Springfield Twp., zoned R-2. (Legal Work complete. Remonstrators present. Matter tabled to March 17, 2008, at 6:00 p.m.

5. The petition for Craig & Kristy Hager to build a house and garage on less than Two-Hundred (200') feet of road frontage. This property is located at 4777 N. 600 W., La Porte, Indiana, Center Twp. (This matter was tabled to August 19, 2008 at 6:00 p.m.. (This matter was tabled to September 16, 2008 at 6:00 p.m..) (This matter was tabled to October 21, 2008 at 6:00 p.m. per attorney Doug Biege.) This matter was tabled to November 18, 2008 at 6:00 p.m..)

Legal Work complete. Remonstrators present.

Attorney Barry McDonnell stated to the Board that he is an attorney in Michigan City, with offices at 601 Franklin Street. Attorney McDonnell stated that he was here this evening representing Craig & Kristy Hager with regards to their petition for Development Standard which would allow for the construction of their residence on less than two (200') feet of road frontage on a parcel of land just under eight (8) acres in size on county road 600 W. This property is in Center Twp. and zoned R-2 Residential. Attorney McDonnell stated that this property is actually combination of several parcels and this specific parcel in question with the road frontage was created and platted dating back to at least 1972. Attorney McDonnell stated that his clients aunt & uncle purchased this property in 1972 with the same intent as Craig & Kristy Hager to build this home. Attorney McDonnell stated that with review of the ordinance certainly could bring this Board to the conclusion that maybe the ordinance allows for construction of this home without BZA approval. Attorney McDonnell stated that the only requirement is Section 823, which is specifically the grandfather provision, is that the lot be separately titled, which these lots are and separately taxed, which these are all three separate taxed parcels. Attorney McDonnell stated that they are here again asking for this Board's approval of the Development Standard variance.

Attorney Doug Biege stated that he was here this evening representing Richard Price. Attorney Biege said that there is limited space to put a home here. Attorney Biege stated that the Hager family knew this was a flagged lot when they bought this property. Attorney Biege also stated that they know they have owned this property thirty something year. Attorney Biege said that if you look at Section 823 it talks about use. There is a difference between a use variance and Development Standard variance.

Paul Zona makes a motion for Craig & Kristy Hager to build a house and garage on less than two-hundred (200') feet of road frontage be granted due to the fact that there is a twenty (20') foot right-of-way to that area which constitutes a flagged lot, but this goes back to 1972. Legal findings state that No. 1: It is not injurious to the public, health, safety, moral or general welfare; and No. 2, The use of the land is not injurious to the property adjacent to the twenty (20') foot right-of-way as everyone has used it improperly, plus the fact that there is only a driveway going back to an eight (8) acre lot where they are putting one house. William Eaton seconded. All approved.

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

Dwayne Hogan, Chairman

Ray Hamilton, Recording Secretary