

**MINUTES OF THE BOARD OF
ZONING APPEALS PUBLIC MEETING
JUNE 24, 2024**

I. CALL TO ORDER

The Board of Zoning Appeals was called to order at 6:00 P.M. by Chairman Tom Kouros at the Schererville Town Hall, 10 E. Joliet St.

A. Pledge of Allegiance

The Pledge of Allegiance was recited.

B. Roll Call

Roll Call was taken with the following members present: Chairman Tom Kouros, Vice-Chairman Michael Davis, Mr. Michael O'Rourke, and Mr. William Jarvis. Staff present: Town Manager James Gorman, Director of Operations Andrew Hansen, Planning & Building Administrator Denise Sulek, Recording Secretary Megan Schiltz, Attorney Lauren Konagel from Burke Costanza & Carberry, and Councilwoman Robin Arvanitis. Absent was Secretary Rick Calinski. In the audience were Councilmen Caleb Johnson and Tom Schmitt.

C. Approve Minutes of the Board of Zoning Appeals Meeting of April 22, 2024

Mr. Davis made a motion to approve which was seconded by Mr. O'Rourke and carried 4-0.

II. PUBLIC ACTION AND PUBLIC HEARINGS

A. B.Z.A. Case #24-6-6 1277 Hollyhock Ln. – Stephen L. Collins, Jr.

General Location: 1277 Hollyhock Ln. – Estates of Auburn Meadows, Phase 1, Lot 71

Petitioner(s): Stephen L. Collins Jr.

Request: Developmental Variance as required by Ordinance No. 2004, Title XVII, Section 14, Paragraph A

Purpose: To allow a 6-foot high vinyl fence to extend 29 feet over the building line on a corner lot

Mr. Kouros asked counsel if proofs of publication were in order. Attorney Konagel stated that they were. Mr. Stephen L. Collins from 1277 Hollyhock Ln. represented the petitioners. Mr. Kouros wanted to verify that this house is on a corner lot and would like to take the fence from the end of the garage all the way around the house from side to side. Mr. Collins replied that is what he is asking for. Mr. Davis asked if the block he lives on is encompassed with a Home Owners Association. Mr. Collins replied that was correct. Mr. Davis then asked if the HOA is aware that he would be putting up a fence. Mr. Collins answered that they were and had asked approval from them upon moving in. Mr. Davis wanted to verify that the fence is going to extend beyond the pool and tree as well. Mr. Collins stated that was correct. Mr. Davis questioned if the neighbors to the east were made aware of the fence. Mr. Collins stated that they were and that he had even asked neighbors passing by and everyone understood why he needs it. Mr. Collins said that the general reason why he was asking is because he has a 2yr. and 6yr. old and would just want a piece of mind knowing they are safe and not running in the street. Mr. Collins went on to say that when he had purchased the property he was happy with being on a corner lot that would give them a lot of yard and even had a dream to put up a playground set for his kids. Mr. Collins added that it was tough when he found out that he could not do any of these things on the side of his home when that was a major part of the reason for purchasing this property. Mr. Collins then added that he also has a deaf dog and wants him to be able to stretch his legs and run free in a decent sized yard, but having an electric fence did not sit well with him.

There being no further questions the matter was then opened to the floor. Mr. Michael Schutz from 1347 Silver Fern Lane stated that he lived a few doors down just west from Mr. Collins and had asked that the board deny the variance request; adding that the proposed fence would basically act like a front yard fence for several people that live on Silver Fern Ln. Mr. Schutz went on to say that the way Mr. Collins home is situated, the houses on the north side of Silver Fern Ln. looked directly at his house; and that from an aesthetics point of view he believed that it would look poor on the street. Mr. Schutz added that if the fence were redesigned in a way that it would be parallel or in line with the side of the house he wouldn't have as much of an opposition on this; but because it would go all the way to the sidewalks, the aesthetics would be detrimental to the subdivision. Mr. Schutz said that if approved, it would set a precedent and other homeowners would do the same thing if this were allowed. There being no further comments from the floor the matter was brought back to the board.

Mr. Jarvis asked how many feet away from the sidewalk would the fence be on Silver Fern Ln. Mr. Collins replied about a foot or two. Mr. Jarvis asked if that is also where the easement ran. Mr. Gorman stated that there is not an easement there; adding that there is one 10ft. off the rear of the house and one that is 5ft. on the south side of the house. Mr. Collins said that he had neighbors directly behind him located at 1297 Wildflower Way, which had gone before the board for the exact same thing and had received approval. Mr. O'Rourke stated that he had the same question that Mr. Jarvis had; which added another question, what was the setback or the distance from the sidewalk to the fence. Mr. Collins responded that it was approximately 50ft. Mr. O'Rourke said that it looks like about 3 or 4 ft. Mr. Collins agreed that it was about 3 or 4 ft. in. Mr. O'Rourke went on to say that he was looking at the same picture that Mr. Jarvis looked at and it seemed pretty close to the sidewalk. Mr. O'Rourke added that he would be concerned with kids coming around on their bikes with people and dogs passing them and would hit the fence; and that in his personal opinion, if the fence were pushed back 3ft. it would still be a good sized yard. Mr. Collins replied that he was willing to take whatever he could get. Mr. O'Rourke continued to say that in the picture of the neighbors' fence it looks like it is about 4 ft. away. Mr. Gorman stated that if he remembers correctly it was about 5 or 6 ft. Mr. O'Rourke wanted to clarify that it was approved by the board. Mr. Gorman replied that it was approved by this board about a year or two ago. Mr. O'Rourke said that if it were pushed back another 3ft. it would look aesthetically better as well. Mr. Jarvis added that one of the reasons they required approval was because of people bicycling passed. Mr. O'Rourke agreed and added that even people with their dogs would need to pass each other coming down the sidewalk.

Mr. Jarvis asked Ms. Sulek and Mr. Gorman where by ordinance the fence were allowed as it stands. Mr. Gorman stated it would be right at the side of the house because the house on the north side is right on the building line at the back of that house. Mr. Gorman continued to say that the building line is curved and while looking at the location plat in front of them you could see the 30ft. building line so that is where he would have to put that fence; adding that he would not be anywhere on the north side of the house. Mr. Jarvis stated he would then lose half of his yard. Mr. Gorman responded that was correct and from the pool to the side. Mr. O'Rourke asked Mr. Gorman what the Towns regulations were on sidewalks and the distance to a fence if they didn't have this building setback. Mr. Gorman replied that there is always a setback in the front where the sidewalk is and that normally in a neighborhood there is a 25 or 30 ft. building so that building would have to be behind that lot line. Mr. Gorman continued to say that when on a corner lot, the side next to the sidewalk would always be a 30ft. building line. Mr. O'Rourke then clarified that there were no other regulations. Mr. Gorman stated there were not. Mr. Davis asked Mr. Schutz if he had brought his concerns about the aesthetics of the fence to the HOA. Mr. Schutz replied that he had not. Mr. Davis then stated that Mr. Collins had mentioned that the HOA approved the fence. Mr. Schutz stated that the HOA did not bring this to their attention before they had received notice of this meeting. Mr. Jarvis made a motion to approve B.Z.A Case #24-6-6 pursuant to all State, Local, and Federal Regulations and that the fence be kept 6ft. off the sidewalk along Silver Fern Ln. Attorney Konagel asked Mr. Collins if he accepted this condition. Mr. Collins stated that he accepts. This was seconded by Mr. O'Rourke and carried 4-0.

B. B.Z.A. Case #24-6-7 341 Indianapolis Blvd. (U.S. 41) – (Proposed: Drive-thru lanes)

General Location: 341 Indianapolis Blvd. (U.S. 41) – Oak District, Phase 1, Lot 2

Petitioner(s): Allegro Civil Engineers – Brian Emrich

Request: Variance of Use as required by Ordinance No. 2004, Title XVI, Section 5, Paragraph C (3)

Purpose: To allow two (2) drive-thru lanes associated with the financial institution within the U.S. 41 Commercial Corridor Overlay District

Ms. Lauren Marshall, Planning Technician for Allegro Civil Engineers, represented the petitioners. Ms. Marshall stated that the subject site is 341 Indianapolis Blvd. for Bank Of America Financial Institution; adding that they are looking for a variance of use for a drive-thru under the Overlay District. Ms. Marshall informed the board that Bank Of America would be sandwiched between Chick-Fil-A and Longhorn Steakhouse; just south of the Youth Center, north of Oak St. and south of Woodhollow Dr. Ms. Marshall went on to say that Bank Of America Financial Institution is proposing two drive-thru ATM lanes towards the east side of the building that is away from Indianapolis Blvd. that would not be mandated stations. Mr. Kouros asked Attorney Konagel if proofs of publication were in order. Attorney Konagel replied that they were. Mr. Kouros wanted to verify that there would not be an entrance off of Indianapolis Blvd. Ms. Marshall replied that there would not be an entrance off of Indianapolis Blvd and that they would be doing a joint entrance through Longhorn Steakhouse. Ms. Marshall added that they would still have to receive site plan approval and intends to use one of the existing access easements, but is unsure which one at this time. There being no further questions the matter was then opened to the floor. There being no comments from the floor, the matter then returned to the board. Mr. Davis asked if the surrounding commercial establishments were made aware. Ms. Marshall responded that they were made aware and had also received public notices; they did not have any concerns. Mr. Davis made a favorable recommendation to the Town Council which was seconded by Mr. O'Rourke and carried 4-0.

C. B.Z.A. Case #24-6-8 10 E. Joliet St. – Town of Schererville

General Location: 10 E. Joliet St – Schererville Municipal Complex, Lot 1

Petitioner(s): James Gorman, Town Manager

Request: Developmental Variance as required by Ordinance No. 2004, Title XVI, Section 6, Paragraph J

Purpose: To allow a 6'H X 12'W Electronic Message Center to be located within the Joliet Street Overlay "Core" District

Mr. Kouros asked if proofs of publication were in order. Attorney Konagel stated that they were. Town Manager James Gorman represented the petitioners. Mr. Gorman stated that there is currently a sign outside the Schererville Town Hall that is 5.5' X 11' wide and are proposing to do something very similar but with an electric message board at the bottom. Mr. Gorman went on to say that as shown in the picture provided, the top part would say Schererville Town Hall with the town logo that is 3' X 12' and the bottom would be the same size making it a total of 6' X 12' wide. Mr. Gorman added that the sign would sit on its current base and would have a programmable sign that could be dimmed or shut off at night; going on to say that there are many options that could be done. Mr. Gorman said that the town had done the same thing for the Community Center and at Rohman Park, which is smaller than the proposed sign but still very similar. There being no comments or questions the matter was then opened to the floor. There being no comments from the floor the matter returned to the board. Mr. Hansen stated that based on a conversation with the Town Council, he suggested to make a recommendation that if approved the shut off time of the display be no later than 9 P.M. Mr. Davis made a motion to approve B.Z.A. Case #24-6-8 with the condition that the display sign be turned off by 9 P.M. Attorney Konagel asked Mr. Gorman if he accepts this condition. Mr. Gorman replied that he does. Mr. O'Rourke seconded the motion and carried 4-0.

III. COMMISSION BUSINESS:

A. Findings of Facts:

- 1) B.Z.A. Case #24-3-2 636 E. Joliet St. – Justin Mora
Petitioner(s): Justin Mora
Variance of Use as required by Ordinance No. 1797, Title V, Section 2 –
To allow eight (8) hen chickens to be raised and kept on-site in an (R-2)
Residential Zoning District and Joliet St. Overlay District
UNFAVORABLE RECOMMENDATION TO TOWN COUNCIL (3-1) 4/22/24

Mr. Davis made a motion to approve which was seconded by Mr. Jarvis and carried 4-0.

- 2) B.Z.A. Case #24-4-3 7725 U.S. 41 – (Proposed: Drive-thru lane)
Petitioner(s): Kenneth S. Drenth
Variance of Use as required by Ordinance No 1797, Title XVI, Section 5,
Paragraph C (3) – To allow a drive-thru lane within the U.S. 41 Commercial
Corridor Overlay District
FAVORABLE RECOMMENDATION TO TOWN COUNCIL (4-0) 4/22/24

Mr. Davis made a motion to approve which was seconded by Mr. Jarvis and carried 4-0.

- 3) B.Z.A. Case #24-4-4 8485 Burr St. – Al Perez
Petitioner(s): Al Perez
Developmental Variance as required by Ordinance No. 1797, Title IV, Section 7,
Paragraph B – To allow a home with an accessory building/detached garage door
height of 14 feet (Maximum allowed per Ordinance is 9 feet)
APPROVED W/CONDITIONS (4-0) 4/22/24

Mr. Davis made a motion to approve which was seconded by Mr. Jarvis and carried 4-0.

- 4) B.Z.A. Case #24-4-5 8485 Burr St. – Al Perez
Petitioner(s): Al Perez
Developmental Variance as required by Ordinance No. 1797, Title IV, Section 3,
Paragraph B – To allow home with an accessory building/detached garage height
of 24 feet (Maximum allowed per Ordinance 14 feet)
APPROVED W/CONDITIONS (4-0) 4/22/24

Mr. Davis made a motion to approve which was seconded by Mr. Jarvis and carried 4-0.

IV. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:30 P.M.

Respectfully Submitted:



Rick Calinski, Secretary