

**MERRILLVILLE BOARD OF ZONING MEETING  
OCTOBER 28, 2015  
6:30 PM**

The Board of Zoning Appeals meeting of October 28, 2015 was called to order by Chairman Minchuk at 6:30pm and led the group in the Pledge of Allegiance.

**ROLL CALL**

Members in attendance were Mr. Fortier here, Mr. Holtz here, Robert Bigelow here, Chuck Stojakovich here and Mr. Minchuk here. Let the record show we have 5 here tonight. Staff in attendance was Dorinda Gregor, Attorney Touchette and Bob Csanyi of Robinson Engineers.

**MINUTES:** September 23, 2015

Mr. Holtz said I will make a motion to approve the minutes from the last time.

Mr. Stojakovich second the motion.

Chairman Minchuk asked all in favor the reply was aye.

**COMMENTS FROM THE CHAIRMAN:**

Chairman Minchuk proceeded I will call the case by case number and name of the petitioners I would ask that you come forward state your name and address for public record at which time you will be given an opportunity to present your case accompanied by any professionals that you may wish to have with you. After that we will have the open the case for further comment. If you are desirous of speaking for or against any case we ask that you please sign in at the registry in the center of the aisle. We will have a question and answer period followed by a staff report pertaining to each case presented this evening. We will also render a decision either for or against or a deferral for more information or other reasons which we will state. Would you please at this time silence any communication devices, cell phones or pagers. We will appreciate it. Thank you.

**COMMUNICATION:**

LETTER SUBMITTED REGARDING ITEM #1 UNDER NEW BUSINESS REQUESTING A DEFERRAL UNTIL THE NOVEMBER 18, 2015 BZA MEETING.

**OLD BUSINESS:**

None

**NEW BUSINESS**

**Z35E1-1015 JUSTIN FURR/CREW CAR WASH, PETITIONER**

**MEIJER STORES, LP., OWNER,** Located at 605 West 81<sup>st</sup> Avenue for a Special exception approval in a C-3, Highway Commercial zoning district on 1.44 acres (proposed Lot 1 B, Meijer Subdivision) for a proposed car wash facility.

Mr. Stojakovich said this letter was directed to Dorinda per our workshop and conversation last evening please postpone the Crew Car Wash Plan Commission

and BZA hearing applications to the November meetings. If there is anything additional that you need from me please let me know

Best regards  
Justin Furr.

Mr. Fortier said I would like to make a motion to defer.

Mr. Holtz said I will seconded that because I

Mr. Fortier said case number Z35E10-1015 to the next meeting.

Mr. Holtz replied I will second it.

Chairman Minchuk asked any question roll call vote

Mr. Fortier yes, Mr. Bigelow yes, Mr. Holtz yes, Mr. Stojakovich yes and Mr. Minchuk yes.

Chairman Minchuk said under Old Business I miss that which we have nothing.

**Z36uV11-1015 GAJ PROPERTIES, PETITIONER,**

**GREG FURMAN, OWNER,** Located at 5660 Cleveland Street for a Variance of Use approval in a R-1, Single Family Residential zoning district on 1.02+/- acre for construction office only (Precision Builders)

Greg Furman and Dan Blavck with Precision Builders. We have a house that is at 5660 Cleveland that I bought. I purchased the farm and the house there and I would like to have the house utilized as an office for Precision Builders.

Mrs. Gregor read her staff report. If approved for this petitioner only, at this location only for this use only.

Chairman Minchuk asked if the neighbors have been notified.

Mrs. Gregor said yes they have.

Chairman Minchuk said questions from our board anything.

Mr. Holtz said you are currently occupying it though.

Mr. Furman replied it is vacate right now

Mr. Holtz said I was there today and there was somebody

Mr. Furman replied they are doing remodeling work to it.

Mrs. Gregor said you are cleaning it out.

Mr. Furman said cleaning it out and remodeling and it needs some repairs.

Mrs. Gregor said you didn't obtain a permit yet.

Mr. Furman said I am cleaning it out and that is all I am doing is cosmetic.

Mrs. Gregor said even cosmetic requires some

Mr. Furman said painting etc I didn't realize that. Ok

Mrs. Gregor said just so you know. Ok

Mr. Furman said can I come and see you about that tomorrow.

Mrs. Gregor said about 10:00

Mr. Bigelow asked what are the plans for the other 112 acres.

Mr. Furman said leave it as a farm. Scheerga Brothers they are running that as a vegetable farm and they are going to continue farming it.

Mr. Bigelow said the appearance that I had originally was that ok we are going to put this in and then build houses all around it.

Mr. Furmn replied no.

Mrs. Gregor replied no.

Mr. Bigelow replied that is not going to be ok

Mr. Furman said a hobby farm.

Chairman Minchuk asked if there is anybody in the audience for or against. I went by there today myself right across the street are the apartments and a little ways down is a single family house. Neighbor behind him he was sent a letter.

Mrs. Gregor said actually how this works is he owns the property to the rear of this so the house directly to the west of that was not notified because he is not adjacent

Chairman Minchuk asked are you planning on putting up any kind of signs.

Mr. Furman replied no signs.

Chairman Minchuk said I would definitely not go for that. Any tractors no equipment.

Mr. Furman said just the existing equipment that is down there. Just the farm equipment that is existing down at the farm yard. As far as for the office there is nothing they are just going to be utilizing it for office only.

Chairman Minchuk asked if there are any other questions from the board.

Mr. Holtz said I was just trying to remember where I saw something that said it ...you purchased it you are not going to be renting it.

Mr. Furman said I purchased it and am going to rent it to Precision Builders.

Mr. Holtz said so you are so I am GAJ Properties Greg Furman builders.

Chairman Minchuk asked how many times have we approved businesses in a residential area.

Mrs. Gregor said we have approved businesses in residential areas this is on our main through fare probable if Scheerga has kept the property he may have developed it further. It could have been rezoned. There was an approval for the cell tower that is currently on his property. He always has had is little farm stands for the pumpkins and what not so this is not going to ruin the integrity of the property across the street the apartments even with down the street with only having two or three employees some houses have 6 cars in their driveway and this is going to only have possible have 3 maybe some of the employees will come and go but.

Chairman Minchuk said but my thing is if we are going to rezone this.

Mrs. Gregor said we are not rezoning this it is a Use Variance.

Chairman Minchuk said what I am worried that everybody and their brothers are going to want to come and start businesses up in neighborhoods. That is what I am worried about. In their favor is the acreage around them.

Mrs. Gregor said once again if it is for this petition only, at this location only and this use only. If he chooses to sell the property that use will have to stop. Precision Builders will have to leave because then the property will have to go back to the residential zoning district. This is just for that one parcel within that 100 and some acres.

Chairman Minchuk said seeing none can I get a motion please.

Mr. Fortier said I would like to make a motion to approve the Use Variance on case number Z36uV11-1015for this petitioner at this location for this use only.

Mr. Bigelow second the motion.

Chairman Minchuk asked for a roll call vote please.

Mr. Holtz yes, Mr. Fortier yes, Mr. Bigelow yes, Mr. Stojakovich yes and Mr. Minchuk yes.

Motion carries

Chairman Minchuk said make sure you take care of that tomorrow with Dorinda.

Mrs. Gregor said this will move forward to the Town Council. It will be November I will let you know the date.

Mr. Furman said I will be by and see you tomorrow.

**Z37V16-1015 CATHY NOVAKOVICH, PETTIONER & OWNER,** Located at 8130 East 96<sup>th</sup> Court for a Variance approval from Sec. 21-12 (17) to allow a shed placed in a side yard in a R-1 Single Family Residential zoning district on 1.1+/- acre for storage of yard maintenance equipment and personal items and not to obstruct the view of the pond from adjacent neighbors.

Cathy Novakovich 8130 East 96<sup>th</sup> Court. That is exactly what we would like to do. We would like to put in a shed and it is more of obstructing the view although that is a concern of mine because we bought the property because of the pond view there is also a pond view from my neighbors and we have an in ground sprinkler system and we have a septic system and underground electric that goes out by the pond so we have looked at all of those and we have had people look at them and try to decide where we can place the shed if we did it 10 feet behind our house which I think that is what zoning calls for. It would be pretty difficult unless we went further back and then you have the slope going down to the pond. So because we are on over an acre and where our house which if you look at where you guys are sitting there is a cul da sac we are at the farthest into the cul da sac so our backyard our neighbors are here and here we would be way back behind their house but not necessarily behind our house it would be more on the side of our house where there is an area between two areas I think that I gave you pictures that are landscaped there and we would like it is more adjacent to the drive way for getting out the lawnmower and snow blowers rather than put it back as far as we would half to put it to not interfere with a in ground sprinkler system a septic system and underground electrical .

Chairman Minchuk asked if there is any comments from the board.

Mr. Holtz said no but when I was out there most of the sheds that are out there are on the very edge of their property at the very end of their property.

Mr., Stojakovich said far back.

Mrs. Novakovich said but there is no one on the pond that has a shed in their backyard.

Mr. Holtz I am just saying that the ones in the neighborhood itself.

Mrs. Novakovich said where I want to put it is with those two landscaping areas they both have trees in them so it would be in between the trees and in between my own landscaping so it is not going to block views for anyone anywhere. I wouldn't want to buy a lot with a pond view and then have somebody come in and have someone block it with a shed. We are just looking to see where we could put it and it would be accessible and not be an eyesore.

Chairman Minchuk asked do you have any ideas on that.

Bob (Robinson Engineering) asked is this going on a concrete slab.

Mrs. Novakovich replied no.

Bob (Robinson Engineer) asked is it going on the ground.

Mrs. Novakovich said I mean they put it on blocks or whatever they put it on. It is up off the ground.

Bob (Robinson Engineer) asked if it is up off the ground ok. No real comments on it.

Mr. Holtz said does it meant the property size.

Mrs. Gregor replied it does.

Chairman Minchuk asked is there anyone for or against. Please step up and state your name and address.

Wayne and Pat Smith 8240 E 96<sup>th</sup> Court. Our question is we are on the east side of them. Is the shed going on the west side of the property or the east side of the property? It is on our side. Basically it is not going to be an attached garage because the driveway is right there. We do not allow non attached garages in our subdivision.

Mr. Touchette said 12 x 16 is not a garage.

Mr. Smith said it is right off the driveway.

Mrs. Gregor asked if they want to see some pictures.

Mr. Smith said it is going to block or view

Mrs. Novakovich said it is going to block your view of garage but not of the pond.

Mr. Smith said they have all this area back here to put it.

Mrs. Gregor said she has her septic back there.

Mr. Smith said I don't know that.

Mrs. Gregor said yes she does I know that.

Mr. Smith said most of the sheds are behind the houses as a matter of fact all the sheds are behind the houses and out of view out of site not viewed from the street.

Mrs. Novakovich asked Wayne where his shed is.

Mr. Smith said my shed is back behind my house. It is right behind my garage you can't see my shed from the street.

Mrs. Novakovich said it is beside your house

Mr. Smith said and my shed is only 10 x 10.

Mrs. Novakovich said is it beside your house.

Mr. Smith said it is behind my garage.

Mrs. Novakovich said but it is next to your house though

Mr. Smith said but it sits behind the garage. Yours is on the side of your garage right next to your garage.

Mrs. Novakovich said no mind would be all my driveway away.

The board had a discussion among themselves.

Mrs. Novakovich said so you realize I am only asking for a Variance as to where I can put it at.

Mr. Smith said I don't care about the pond you are not blocking my view by the pond. I got my own property that I can use the pond. It doesn't make a difference there

Chairman Minchuk said then what view are you saying she is going to block I don't understand.

Mr. Smith said the view to my driveway

Mrs. Smith said no it won't block her driveway at all it is in between she has got her landscaping and a set of trees she has open grass and a couple more trees she is going in between it it is not by her driveway. I am walking out my door I got the pond I got that but you have all the trees and the nature and farther out so I am going to walk out my door and as I look out the door here is going to be the back of her shed.

Mrs. Novakovich said no It's not did you see the drawing.

Mrs. Smith said I did it is in between your trees and your landscaping.

Mr. Smith said that is adjacent to your driveway

Mrs. Novakovich said right but that is not blocking

Mr. Smith said it is going to be right in front of the playground.

Mrs. Novakovich said so what is that blocking your view to I don't understand it doesn't block your view to any of the back

Mr. Smith said it changes everything we came out here to see opening we don't want to see s shed I don't want to see a shed when I walk out my back door

Mrs. Novakovich said if I put it further back you will

Mr. Smith said not on your property I don't look at the back of your property I look back at my property and when I am on the side of the house and I look sideway I am going to see the back of a shed. Right now you have the last owner put nice trees in the middle like a park and you are going to put a shed in the middle of those two sets of trees. Its clear view front the street if you are driving in the cul da sac.

Mr. Stojakovich said the picture in our file shows your house is to the right of it. Would you come up here for a second please? Mr. Stojakovich talked to both the remonstrator and petitioner about the locations.

Mr. Fortier said what if she wanted to put a fence up. She doesn't even need a variance for a fence then you walk out and look at a fence

Mrs. Novakovich said if I put it here it is going to block all the nature.

Chairman Minchuk said if they decided to put a fence up that would really block everything. You know what we would like to see it put.

Mrs. Novakovich said it will not go over here anywhere.

Mr. Smith said then what about this side over here.

Mrs. Novakovich said my septic is there and my things go out there and there is electrical here that goes to the pond.

Mr. Smith said then right behind the house.

Mrs. Novakovich said I said it has to be 10 foot behind the house. She discussed all the reasons that the shed can't go anywhere else.

Mrs. Smith said you just don't want to block your back patio looking out at the pond.

Chairman Minchuk said my feelings is if she wanted to put up a fence she could do it. I think that she should work it out. They need to work out their differences.

Mr. Holtz said Dorinda can they put it right at the end of the drive.

Mrs. Gregor said they have to be 10 feet away the property yes it could be as long as it is 10 foot away from the house. Yes

Mr. Touchette said Mam could you come back up here a second. What about this area right here could it go here Mrs. Gregor replied yes but she didn't want? She wanted it to be right.

Mr. Stojakovich said you have all this area right here.

Mrs. Gregor said even thou she would have to have variance because it is a side of her house. Anything back from here (using the site plan)

Mrs. Novakovich said even if I put it here I would still have to come in for a variance right.

Mr. Touchette said you can do it tonight.

Mrs. Novakovich said what is the difference if I do it here that is away from my grass.

Mr. Touchette said I am not the one arguing with you.

Chairman Minchuk said ok I don't think that we are going to solve this right now. I think it is up to the board but I think that they should resolve with the neighbors and then come back.

Mr. Smith said why can't you put it back by the swing

Chairman Minchuk said we are not going to argue about that.

Mr. Smith said there is a spot right back by the swing.

Mr. Touchette said it isn't that far from where your swings are.

Mr. Smith said it is on level land. She has a tree back there she would have to take the street out.

Mrs. Gregor read the staff report.

Mr. Touchette said I don't think that you can make people work things out ether ok.

Bob said can I make one comment if there is a concern with seeing the shed would there be a possibility that maybe screening with landscaping to kind of hide it with that help matters out. It would be more against your house.

Mr. Smith said that is why she can't put it back where she wants it. She has landscaping there. The last owner put 2 sets of landscaping.

Mr. Stojakovich said she is on her property

Bob said I just didn't know if you could move it

Mrs. Novakovich said I could and still stay 10 foot off and there will still be room behind it if you wanted to put some tall bushes or towering bushes.

Bob said that was just a thought.

Mr. Novakovich said it can be done and still be 10 feet off I believe.

Mr. Fortier asked Dorinda if they had to get a permit for the pool.

Mrs. Gregor said permits are required for pools yes.

Mr. Fortier said there was no variance needed for that then.

Mrs. Gregor said for which one are we talking about.

Mr. Fortier said I would assume the neighbor's pool is in the back yard

Mrs. Gregor said I did not check to see if there was a pool permit issued but pools are required to be in the rear yard.

Mr. Fortier said it is probably bigger than a 12 x 16.

Mrs. Gregor said I don't know what this is.

Mr. Fortier said I know she wasn't fighting the pool going in

Chairman Minchuk said I am going to ask for a motion.

Mr. Bigelow said Mr. Chairman I move that we approve Z37V16-1015.

Mr. Holtz said can you put a stipulation on there that there is landscaping on the one side for screening.

Mrs. Gregor replied the east side.

Mrs. Novakovich said it would be the east side of my property the back of the shed would be.

Mr. Stojakovich said where she has the 10 foot.

Mrs. Gregor said so between the 10 foot from your property line to your shed you would place some type of landscaping.

Mrs. Novakovich said ok

Mr. Touchette said like arborvitaes or some thing

Mrs. Gregor said that is fast growing.

Mrs. Novakovich replied no problem.

Mr. Bigelow said so moved with that stipulation.

Mr. Holtz said I will second it.

Chairman Minchuk asked for a roll vote call please.

Mr. Fortier said I am going to say yes because it is her property but I would really like to see her and the neighbors work it out because like I said fences make good neighbors but they don't want a fence.

Mrs. Novakovich said Wayne and I had talked about it and he said out there.

Mr. Fortier said so my vote is yes for approval, Mr. Holtz yes, Mr. Bigelow yes, Mr. Stojakovich yes and I do echo your concerns Mr. Fortier and Mr. Minchuk yes.

Mrs. Gregor said for this location only, for this use only and then there will be some kind of landscaping placed on the east side of the shed.

Chairman Minchuk said you understand that right.

Mrs. Novakovich replied yes I do absolutely.

Motion carries

Mrs. Novakovich replied thank you.

**Z38E11-1015 LORICEFS BEAUTY & BARBER ACADEMY, PETITIONER**  
**ERIC JANSEN (VNE PROPERTY), OWNER,** Located at 155 East 61<sup>st</sup> Avenue for a Special Exception in a C-2, Community Commercial zoning district for a beauty and barber school.

Keith Shoulder and this is my wife Vanita Shoulder. My address is 3155 west 64<sup>th</sup> Place in Merrillville.

Mrs. Gregor read the staff report. If approved for this petitioner only at this location only for this use only.

Chairman Minchuk said I went by there I don't know if anyone else went by there is plenty of parking there.

Mrs. Gregor replied no there isn't.

Chairman Minchuk asked how many employees do you have.

Mrs. Gregor said 2.

Mr. Shoulder said actually we have 2 and with my wife there are 3.

Mrs. Gregor said they have 15 -20 parking places. If every one of the drives themselves I measured it out on the GIS and there is not adequate parking. That is why they need to get cross over parking with the landscaping place directly to the east of this property or from the shopping plaza across 61<sup>st</sup> Avenue where there is quite adequate parking and then those students could walk over with the light as it changes.

Chairman Minchuk said how many student can we allow with the parking.

Mrs. Gregor replied 10.

Chairman Minchuk said we will have to put a stipulation Mr. Shoulder that if you do go ahead with this you can't have any more than 10 students until you expand an agreement with one of the neighbor or somebody. We will check up on you when you make sure.

Mr. Shoulder said I did talk with Dan Tino. I talked with him today and yesterday as a matter of fact that he was going actually get back with me just in case we expand and bigger we will have another place to park and he said he will try and work something out at the time when the time comes

Mr. Bigelow said if there are 10 students there whose hair are they going to be working on customer that walk in off of the street. If so where are those customers going to be able to park also.

Mr. Shoulder said well actually all the students don't have cars. A lot of them car pool

Chairman Minchuk said we don't know that but here is what I am saying that we have told people in the past that we got to work something out because we don't want a person to lose a business or their living over this. We have done this in the

past to other people. Say hey we are not going to take your business away from you and this is a way you earn a living right.

Mr. Holtz said you are currently in Gary correct.

Mr. Shoulder said yes and it is so dangerous down there that is the reason why we chose this area because it is much safer and when I see all those people getting killed down there.

Chairman Minchuk said it isn't going to be a hang out barber shop. It is going to be a school and that is why when I looked at it looked fine to me. I looked at it and it is a very nice building and parking lot.

Mrs. Gregor said we just have to be cautious the number of parking spaces that they are going to be required. If they can have up to 20 students then that is what we need to make sure that there is 20 parking spaces.

Mr. Fortier said there would have to be almost 40 parking spaces because it would have to be a very large parking area.

Chairman Minchuk said I would cut it in half. We just can't do it.

Mr. Bigelow said you not only have students but you have customers.

Mrs. Gregor said also employees. So even if all the students parked across the street in whatever cross over agreement parking you probably would have adequate parking for people that want to come in and get their haircut or shampooed or whatever it is that you do to train the students.

Mr. Stojakovich said that is a dangerous situation also. It is not like 61st is a residential street. In the winter time you have people crossing by that light in the snow wow...

Mr. Bigelow said I would think if any approval was given it would have to be contingent on having a parking agreement with McVea's because that would keep them on the south side of 61<sup>st</sup> and not having to go across the street.

Mr. Touchette said a parking agreement would have to be a formal written document. Something most likely prepared by an attorney that could be recorded at the county ok and so it is almost like giving an easement like somebody is giving you an easement on their property and once it is there they can't take it away and so if this dependent on a parking agreement I think that this shouldn't be approved until you have the parking agreement. Until it is in writing.

Mr. Shoulder said what I am saying right now is the school is not we don't have that many people in school already. They graduate on almost a monthly basis because they have been there so long down on 37<sup>th</sup> so by the time we get over here on 61<sup>st</sup> we might not have any students

Mr. Touchette said obviously you want to build your business up and so there is an issue with parking so you need to have some kind of occupancy restriction on the number of cars that can be parked there. I mean you would want to build your

business up I mean ultimately you probably want to have 15 or 20 students if you had the location that you could service that many.

Mrs. Gregor said we want your business to be successful.

Mr. Touchette said we like to see you coming to town here to run your business and there are a lot of locations where that could accommodate the parking that you need if you are intent on using this one I think that you need to talk to the McVea landscaping and see if they

Mr. Shoulder said I stuck a note on his door because he is never there and the number that he has on the door and it just rings and rings but doesn't have a voice mail.

Mr. Touchette said it doesn't sound like he is interested in giving you a written parking agreement and on top of that people will be walking across the street too.

Mr. Shoulder said I am talking to Dane Tino

Mrs. Gregor said he is the property manager for the shopping plaza where Northshore Health Care and they have some other retail.

Mr. Touchette said they would have tons of parking that you could use

Mr. Stojakovich said and that is across the street. I am concerned for your students and your employees that would just be a dangerous situation that you are putting them in daily just to get to school. In winter time I would hate to be at that light to walk across that busy street and then walk back after school.

Mr. Fortier said I did a lot of walking when I went to school and it wasn't only one street.

Chairman Minchuk said being the traffic light is there that is why. The parking would have to be ok.

Mr. Touchette said if the parking is going to be at the plaza across the street you would need something signed by whoever has the authority to sign the document from the plaza and that would have to be recorded at Lake County the government complex to establish the right to use the parking.

Mr. Shoulder said so what if we can bring it in tomorrow would that be ok or we have to wait a whole month or two.

Mrs. Gregor said this will move forward to the Town Council in November also.

Chairman Minchuk said myself I would go along with it pending that ok from the shopping center.

Mr. Fortier said a written agreement.

Mr. Touchette said I think that it is going to be a tall order to get all that something in writing from the Plaza by November by the time of the Town Council meeting.

Mr. Shoulder said I am basically in contact with the guy practically every day and I am talking to him on a continuance basis so I don't think that is a tall order. I just have faith in the things that I do.

Mrs. Gregor said the Town Council can say if you haven't worked this out then we are going to have to defer it anyway.

Mr. Touchette said if that is the way you want to do it then you will need to take something written to the Town Council and I would have the Town's attorney look at that before the town would approve that. It would need to be recorded. Nobody is trying to discourage you from opening your business in town.

Mr. Shoulder said I understand but the thing is with me is I am trying to get my wife from down in this area where it is so dangerous.

Mr. Touchette said you will still do better in Merrillville anyway.

Mr. Shoulder said it would tear me apart if I went down there and something had happen to my wife. There are 8 bullet holes in the building.

Mrs. Shoulder said not only me but whoever else is there.

Chairman Minchuk said you have to have the letter

Mr. Touchette said it needs to be more than a letter it has to be a legal document that can be recorded.

Mr. Shoulder said we understand that. A legal document from their attorneys or whatever the case might be. Then what do we need to do next we come and see Dorinda or what.

Mr. Touchette replied that this board cannot make any recommendation they can deny or approve your request but this particular request is subject to the review of the Town Council ok so you are going to need to go before the town council no matter what this board decides. I am sure the Town Council members would like to see you open your business here too it if just that we want things done in a safe manner and a way that protects your business too. You don't want to build up your business and have your parking pulled out from under you. If you can get 10 or 15 students in there at once and you had customers in there for 10 or 15 you could get a good business going there.

Mr. Shoulder said I understand that Sir but are you understanding what I am saying when we get this legal document then.

Mr. Touchette said you will talk to Dorinda and Dorinda will set you up to go to the Town Council.

Mr. Shoulder said that is all I needed to know.

Chairman Minchuk said can I get a motion please.

Mr. Fortier said I would like to make a motion to approve the Special exemption for case number Z38E11-1015 for this petitioner at this location for this use only

with the understanding that a legal long term lease for parking adequate for all of your students

Mr. Touchette said lease or easement

Mr. Fortier said lease or easement for adequate parking in the adjacent property across Broadway be presented to the Town Board at the time

Mr. Touchette said that would be 61<sup>st</sup> not Broadway

Mr. Fortier said I apologize across 61<sup>st</sup>. Adequate parking be acquired for your entire student's staff.

Mr. Holtz second the motion.

Mrs. Gregor said for this petitioner only at this location only for this use only.

Chairman Minchuk said roll call vote.

Mr. Holtz yes, Mr., Fortier yes, Mr. Bigelow yes, Mr. Stojakovich yes and Mr. Minchuk yes.

Motion carries

**Z39uV12-1015 PASTOR MICHAEL OTANO, PETITIONER**

**CHRISTIAN REVIVAL CENTER, OWNER,** Located at 805 West 57<sup>th</sup> Avenue in a C-2, Community Commercial Variance of use approval in a C-2, Community Commercial zoning district on 2.52 acres. To allow a church to have an electronic message center addition, to increase the size of an electronic message center sign on a legal non-conforming use sign from 20 square feet to 36 square feet to advertise church functions and the business located on the church property.

Good Evening I am Pastor Otano and this is Al Pecto a director of the church. Our address is 805 West 57<sup>th</sup> Avenue there in Merrillville.

Chairman Minchuk said state your case please.

Pastor Otano said for the past 4 years we have been headquarters at the present location and we are into an elaborate and costly renovation program to beauty and to headquarter our ministry there which we have done so and we have developed programs that would be an asset to the community. Programs such as our day care food pantry, youth ministry so forth. The community has benefited greatly from that but we have had the plight and attempting to really reach out to community and inform them of all the different benefits that we have and so we are wanting the LED signage to communicate and inform them of all the different events and activities that we provide for them.

Mrs. Gregor read her staff report. Conditions if approved for this petitioner only at this location only for this use only. Other churches Use Variances approval had time restrictions place for advertising as a condition also.

Chairman Minchuk asked questions from the board.

Mr. Bigelow said what happens to the advertising for the beauty shop and the barber shop that are presently on that sign.

Pastor Otano said that sign will be removed the existing sign and the LED will be in its replacement and it will advertising it through the LED sign.

Mr. Bigelow said you will be doing their advertising on your sign.

Pastor Otano replied right the sign will be used for them as well as for us.

Mr. Stojakovich asked the top part of that sign is going to stay and the two signs from the other business will be gone and the LED

Pastor Otano said I have pictures that I can distribute if you would like.

Mr. Stojakovich said I got it.

Mrs. Gregor said it is going to be smaller

Mr. Picto said we are taking down two 4 x 10 signs.

Chairman Minchuk said I know what you are saying. Do you see how close the wires are to it? The wires are almost blocking the signs.

Mrs. Gregor said once again that was a shopping plaza sign. The church never put it up their own sign.

Chairman Minchuk said the problem is with the flashing sign because they have homes here and there. To the west of it and to the south of it. The flashing sign is my problem. I went by some other churches in the area had lit signs but not flashing signs.

Pastor Otano said it will be a lit sign to present our advertising. It isn't going to be flashing as per say as we are going to be flashing.

Chairman Minchuk said what I am saying is ok what type of this going to be. It is not going to be on 24 hours a day.

Pastor Otano replied no the sign will probably go off approximately 10:30 at night.

Mr. Holtz said yes I know we put restriction on the one on 73<sup>rd</sup> as far as the time.

Pastor Otano said anyone that is out past 10:30 we are not looking to advertise to them.

Mr. Touchette asked if the electronic sign two sided or is it one.

Pastor Otano said no it is two sided correct

Chairman Minchuk said that is why I said to the west and to the south. The sign is at an angle.

Mr. Holtz asked how is the new sign going to be situated on the pole.

Pastor Otano said it will be directly below the main sign the overarching sign it will be directly below that. In this picture it is super imposed. I know that it appears that the wires are in the way but the wires are on the other side because what they did was modified this with the computer so the appearance that you see there as concerns of wire that is a actually not going to be an issue because that is on the other side of it.

Mr. Touchette said so on the existing sign that is there the sign on the bottom the day care is that your day care.

Mrs. Gregor said that is part of the ministry.

Mr. Touchette said Drays is part of the beauty shop and barber shop.

Pastor Otano replied correct.

Mr. Touchette said then your electronic sign would advertise for your church and your church functions and for Drays barber shop.

Pastor Otano replied yes.

Mrs. Gregor said they own the entire parcel.

Chairman Minchuk said my question if we allow them to do it would they put the messages like town emergency stuff like that.

Pastor Otano said yes we welcome that.

Mr. Touchette asked if the top sign lighted.

Pastor Otano replied yes it is. It goes out about 10:30 as well

Chairman Minchuk said I was just worried about the houses here and the houses to the south.

Mrs. Gregor said you know if they were to approve it the banner sign that sits on the ground will have to be removed.

Pastor Otano said they would be looking forward to remove it.

Mr. Touchette said I think one thing that they have done on some signs like this is that re close to residential neighborhoods is during the day time when the LED sign is on they are brighter and I think that they can set the signs so that in the evening they go to a dimmer sign.

Pastor Otano said I know that we are getting one of the updated ones and they also made some restrictions that they were telling us because of problems of flashing. I don't even know if it has the capability to do that.

Mr. Touchette said I would think that this board would probably would want that as part of the requirements.

Mrs. Gregor said there is restriction on LED message centers. You can't have anything flashing behind words that are being like you church services. You can't have a flag fluttering and then Happy 4<sup>th</sup> of July or whatever.

Pastor Otano said we are going to comply

Mr. Touchette said I think that most of the sign companies around here know the restrictions that are used and I think that if this board was to approve that the standard restrictions of less bright at night would be one of the conditions.

Mrs. Gregor said I can give them a copy of the restrictions.

Chairman Minchuk said you do have copy of the restrictions.

Pastor Otano said I believe we do and it was forwarded to the contractor that is going to be installing it and everything.

Mr. Bigelow asked if there is an agreement with Drays a written agreement to be able to utilize your sign.

Pastor Otano said it is not a written agreement it is a verbal and he is more than incline because it is going to help his business as well.

Chairman Minchuk said if he doesn't pay just turn his sign off.

Chairman Minchuk asked if there is anyone else that has any questions. Seeing none can we have a motion?

Mrs. Gregor said are we going to have a restriction that it has to be turned off at a certain time in the evening.

Chairman Minchuk said I though he said they would turn it off at 10:00.

Mrs. Gregor said I didn't hear that.

Pastor Otano replied it shuts off at 10:00 or 10:30 depending a day light savings hour.

Mrs. Gregor said what is that last time for your activities at your church.

Pastor Otano said probably 9:30 or 10:00

Chairman Minchuk said 10:00 I would like to put the restriction.

Pastor Otano said that would be fine.

Mrs. Gregor said and then what time would he turn it on in the morning

Pastor Otano said the daycare starts at 6:00am

Chairman Minchuk said it is winter time it will be different in the summer.

Mrs. Gregor said it is still.

Chairman Minchuk said can I get a motion please.

Mr. Holtz said 6:00 AM to 10:00PM

Pastor Otano said that would be fine.

Chairman Minchuk asked if he could get a motion please

Mr. Holtz said he would like to make a motion to approve Z39uV12-1015 for this petitioner only at this location only for this use only and they can use the message sign from the hours of 6:00am to 10:00pm.

Mr. Fortier said he will second that.

Chairman Minchuk said roll call please.

Mr. Holtz yes, Mr. Bigelow yes, Mr. Fortier yes, Mr. Stojakovich yes and Mr. Minchuk yes.

Motion carries

Mrs. Gregor said this will move to the Town Council and I will let Janie know.

### **OTHER BUSINESS**

To discuss and reconsider for an approval one condition places on the following petition

#### **Z1uV1-0115 VIEW OUTDOOR ADVERTISING, LLC. PETITIONER**

Located at 8037 Taney Place as a condition placed on the request that the off premise 14' x 48' billboard sign only to allow static or trifold signage on the east face of the billboard advertising sign. The petitioner would like to have the BZA consider approving the display of an electronic message center advertising sign on the east face also.

Mr. Anderson said it is a tri-fold on the east side and this was approved on 1-28-2015 with digital on the west side.

Chairman Minchuk said that is across the street from McDonald's right.

Mr. Anderson said yes and McDonalds was here and we worked out with McDonalds because they were worried about the fact as you drove down 30 and by the time if the town board meeting that was worked out. The state

Chairman Minchuk said as I came down 30 I was going west bound looking at the east side of the sign and it was changing constantly.

Mr. Anderson said yes that is a tri-fold but that is not a digital.

Mr. Fortier said we approved a tri-fold.

Mr. Anderson said the tri-fold was approved and basically the state at that time and I have another copy of the application and I yellowed they had approved it for both sides. We were kind of taking it a step at a time. It now has been build I don't know if you have been out there you obviously have and it has been built and what we are seeing now is that we would like to get the east side and I have a map that shows we are 314 feet from the church and I also have a letter from the church. You know back then we did not have a letter from the church as far as what their view of it was but we have contacted the church and I have a letter to present to you on that they don't have any objection.

Mr. Stojakovich read the letter from the church that Mr. Anderson supplied.

Trinity Memorial Lutheran Church  
Mr. Matt Felder, Real Estate Manager

Mr. Felder pursuant to our meeting and last conservation regarding your build board at the corner of US 30 and Taney I am writing this letter to confirm that we have no problem with and are supportive of your request to change the east side of your billboard to a digital sign. If you have any questions please to not hesitate to contact me.

Sincerely  
Pastor Richard L Boshoven

Mr. Anderson said basically they are 300 feet from it. If you went out there at night it doesn't even get near them and so now we will comply with all LED standards just like we complied on the other side of the sign. Of course anything that is town wants to advertise that's always been the case. So basically what we are asking that you remove the condition of just restricting it to the one side and so we would have it on both sides.

Mrs. Gregor said this is approved as a use variance and this did move on to the Town Council so this board can remove that and

Mr. Touchette said it doesn't have to go back to the Town Council.

Mrs. Gregor said I think it would.

Mr. Anderson said we are looking for a recommendation from you to go to the Town Council with.

Chairman Minchuk asked anyone else. I am looking for a motion.

Mr. Fortier said Mr. Chairman I make a motion that we remove the restriction on case Z1uV1-0115.

Mr. Holtz second the motion

Chairman Minchuk asked for a roll call vote.

Mr. Bigelow yes, Mr. Holtz, yes, Mr. Fortier yes, Mr. Stojakovich yes and Mr. Minchuk yes.

Motion carries.

Mr. Anderson said thank you very much.

Mrs. Gregor said I will e mail you the date.

Mr. Stojakovich said I will make a motion to adjourn. Our next meeting will be November 18<sup>th</sup>.

Mrs. Gregor said it will be a week earlier than normal because of Thanksgiving and it doesn't look like we will have a meeting in December at all.

Mr. Holtz second the motion to adjourn.

Chairman Minchuk said all in favor board replied aye.

Meeting adjourned at 7:42PM

Respectfully submitted  
Janet Rosko