

MERRILLVILLE BOARD OF ZONING APPEALS

May 28, 2014

6:30 PM

The Board of Zoning Appeals meeting of May 28, 2014 was called to order by Chairman John Minchuk at 6:30pm and led the group in the Pledge of Allegiance. Members in attendance were Mrs. Krafft, John Minchuk, Chuck Stojakovich, Ric Holtz, and Tim Fortier. Staff in attendance was Dorinda Gregor, Attorney Touchette and Sedrick Green of Robinson Engineers.

MINTUES: April 23, 2014

Mr. Holtz made a motion to approve the minutes of April 24, 2014, seconded by Mr. Fortier. Voice vote was unanimous.

COMMUNICATIONS: None

COMMENTS FROM CHAIRMAN:

Chairman Minchuk stated I 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. 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 isle. 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 devises, cell phones or pagers. We will appreciate it. Thank you.

OLD BUSINESS

None

NEW BUSINESS

Z16V50514 CLARENCE JUSTICE, PETITIONER AND OWNER, Located at 2763 West 57th Avenue for a Variance approval from Sec. 21-12 (15) to allow for a second driveway (circular) in an R-2, Single Family residential zoning district on 1.25 +/- acres for a circular driveway to allow for safer existing onto West 57th Avenue.

Mr. Justice located at 2763 West 57th Avenue Merrillville Indiana

Chairman Minchuk asked about his case. Do you have a request?

Mr. Justice said I was questioning the circle of the drive way because of the moving traffic on 57th is highly used and it is real difficult and very precaution of my wife existing the driveway due to all the traffic safely because I have work vehicle and regular work car and it causes some difficulty like coming out of the driveway she has to back all the way out of the garage to the main street.

Chairman Minchuk asked Dorinda to read her staff report.

Mrs. Gregor asked if she can add some additional stuff. Probably one day last week the neighbor called to state that since the circular driveway has been in it has caused flooding on his property and it has also caused his sump pump to run constantly. I went out to the site and the ground was very saturated because we had gotten so much rain that in fact the farm field across the street was still filled with water in area. Then I asked our Town Engineer to go out and he will report on his findings.

Good Evening, Sedrick Green Robinson Engineering said I typically went out on Tuesday morning and look over the property where the circular drive was going to be installed and I noticed that in the area just to the south on his property it was already in a low spot I don't think that that the gravel that is being installed was a direct consequence of the circular drive is going in where the yards were saturated it was just because of the heavy rain and the big snow melt that we had that they are seeing an increase amount of water .However with the way that the circular drive is going to go in there will be ponding and you yard on the front and the south that will be the southwest corner of your yard there will be ponding from the run off because that is the natural lay of the land and now that is going to be a hard surface the run off will continue to go that way it just won't be a large enough area to saturate into the ground. The neighbor that is there also discharges into the low area and I didn't notice if your sump pump was on that side but if a driveway were to go in it would leave a ponding on that southwest corner of your property.

Mr. Fortier said but it will not adversely affect the adjacent property owner then.

Mr. Green replied yes like I said when the water table is high like it probably is now they're going to have their sub pumps run. Like I said it is not directly related to this but it could be an adverse effect because the run off is going to run all the way from 57th which is higher in elevation run down the driveway and as it exists off of your driveway it will go into your yard and it is going to pond.

Mr. Touchette said when you talk about the ponding I am looking at his drawing that he has here it looks like a horseshoe are you saying that the ponding is going to be like inside the horseshoe is that where the pond

Mr. Green said it will be just to the south of the driveway where the horseshoe is if you look I am looking at this sheet and the house is here the property line is over here kind of where you see the 2763 West 57th that is where the low spot of the yard is and that is where the ponding will happen and consequently that is also the property line of the neighbor and their house sits elevated about a foot and a half above but they also have their discharge going over there from their downspouts and from their sump pump discharge so.

Mr. Touchette said so if the driveway wasn't there it would drain to the south naturally is that what you are saying.

Mr. Green replied correct now that it is going to be an impervious service it just usually the water wouldn't make it from 57 all the way back there unless it was a very, very heavy rain.

Mr. Touchette asked could he put in a catch basin or something with a pipe under the driveway would that release the water.

Mr. Green said where would it connect too that would be the other

Mr. Touchette said I mean just to get it to the other side of the driveway so it could follow its natural course.

Mr. Green said like I said that is the low spot right now and it is all collecting over there so

Mr. Touchette said so it is going to collect there whether or not he puts in this driveway is what you are saying right.

Mr. Green said it is just with the impervious surface you will see it happen more quickly.

Mrs. Krafft said you as an engineer do you have any thoughts as to what the solution would be so he could install more driveway and yet it wouldn't affect the neighbors.

Mr. Green said looking at this case and talking to Dorinda if he could extent your parking pads either extend them further into the yard or make another parking pad that could be a possible solution and from talking to Dorinda understand that U driveways are not allowed in the Town that is the other issue so seeing an extension of a second parking pad or an extension of the current one they have in place I think could

Mr. Touchette said work just as well.

Mrs. Gregor said while I was out there I did drive up and down 57th Avenue and there is probably about 4 or 5 other homes that have circular driveways that probable have been there forever none of them ever received approval I think that those homes were built in the late 50's or early 60's prior to the Town of Merrillville so you can see that there is a presentence set for excessing onto 57th Ave because of it being busy.

Chairman Minchuk asked how long do you think it has been there like that because I actually I went there today I know for a fact I pulled into a driveway and tried to back out I even before I have a hard time backing out people come flying down that road and I totally understand where your safety issue is coming from. What I am thinking and it is up to the board but not me if the engineer can get together with him and the neighbor so they can try and figure something out because that circle driveway has been there a long time.

Mr. Gregor said no Clarence he just put the gravel in just recently right in late winter or early spring.

Mr. Justice replied probably about two weeks after I bought the house.

Chairman Minchuk said still he needs to get together with his neighbor and with our engineer and figure something out cause he said it is going to be bad either way but like you say if you put the driveway in it could even make it worse. So we don't need that. My personal suggestion is to get together with our engineer and you neighbor figure something out before we can approve this.

Mr. Stojakovich asked if this could be taken one step further since there has been a ponding there forever should storm water get involved with this and see why this ponding is there.

Mr. Green said from my understanding of talking with the neighbor before he was there was an apple orchard along on the property and since then he has cut the trees down and one of the reasons that the property never saw the big ponding happening because there were a lot of trees soaking up the water. Not only from the water table but the run off and now a lot of the trees and bushes are gone you are going to see the ground water and the water table raise because not that many trees are soaking up..

Chairman Minchuk said storm water can't do nothing

Mr. Green said can and that is something that I can bring in Matt and see what type of facilities are in the area and see what can be done to help intercept the water especially what runs off of 57th Avenue

Mr. Touchette asked is the neighbor's sump pump discharging onto this gentleman's property.

Mr. Greene said not directly but indirectly

Mr. Touchette asked if he could direct his sump pump away from this gentleman's property

Mr. Green said yes that is definitely something that could happen cause actually like I said a down spout discharge that goes underground under his flower beds and discharge is right there on the property line and also his sump pump he had piped into discharge pretty much I would say maybe 7 feet away from the property line in the low area because they have a row of bushes that is right there on their property line.

Mr. Fortier said which is probably contributing to the ponding more than a sloped driveway.

Mr. Green said right now if the circular drive was not there and they had heavy rains and the ground water table come up yes their discharge would be there.

Mrs. Krafft said sometimes you see where people back out of their drive and into an area that they have cement and they can back onto their own property and then turn and face the rest of the drive.

Mr. Green said yes that is correct and that is what he already has existing and that is one option if the board which ever route they would like for us to look at.

Mrs. Krafft said Dorinda said maybe he could widen that area that he has.

Mr. Green said yes that is what I mean widen it or make it deeper
Chairman Minchuk asked who's responsibility is it his or his neighbors

Mr. Green said it would be his responsibility it is on his property. All the improvement's that he is proposing to do is on his property. It is a double lot

Mr. Fortier said that was the next thing I was going to ask about.

Mr. Touchette said I think that he would like to address the concrete pad situation.

Mr. Justice said with the flooding in the one particular area that was what the owner had did he done it intentional to grab all the water to feed into his apple orchard that he had right there so that was pretty much man made so it could trap enough water in order to get back into the back yard where the apple orchard was. I was wondering if it would be ok if I just built that up built the ground up with some new top soil so it would take away that flooding and pitch the water more toward the driveway and the driveway to drain more toward 57th in the front yard because the front yard is puddled anyway even when the driveway wasn't there so if I can pick that back area up that is what is holding a lot of water by putting top soil or some right there and reseed it everything. Build it high enough so that I can keep the water over the driveway and have the driveway pitched about 1% flow toward the west front lot.

Mrs. Krafft said that would probably satisfy your neighbor I bet

Mr. Justice said it might make him bad a little bit because he does have his water draining because I have seen it when I was mowing my grass he had his down spouts kicked right into that low spot so it will be an inconvenience to him. He might have to reroute it or

Mr. Touchette said I think the Chairman has a good idea you talking with the Town Engineer and neighbor seeing if maybe some kind of accommodation could be reached as far as the storm water goes. Can you do that? Really if the neighbor's sump pump is discharging right on to his property basically it is a situation that is causing a lot of the ponding as it is right now. Maybe he could redirect his sump pump put a longer pipe on it. I mean does it all drains toward 57th is that the natural drain

Mr. Green said on his particular lot no right now it is falling I guess that he has it right at the opening where you would access the apple orchard. There was a cover over there and that must have been his cistern where he was feeding into he was ponding water to feed into his cistern where he could water his apple orchard so if it was man made the previous homeowner must have did that because like I said it is about 18 "or a foot and half lower than his neighbor's home

Mr. Touchette said could the property drain to the north I mean would it drain to the north if he

Mr. Green said yes if he decided to build it back up he could make it drain to the north

Mr. Touchette said and the neighbor could direct his

Mr. Green said yes he could drain his water straight out to the front

Mr. Justice said it could drain I could get it to drain toward the north into the south right in the back yard because what it has is a it is right in between the two parts of land.

Mrs. Gregor said like a swale yes there is a swale

Mr. Justice said I can keep some of the water back toward the swale in the back yard and it probably would be useful for the water to go back there so that to water the grass

Mr. Touchette said and not into the road

Mrs. Gregory said those members that drove out there you probably noticed that 57th sits probably about 2 ½ feet higher than and then it comes down to the sidewalk and then it just kind of feeds into that swale that is the area that I walked and that is probably about where the property line is so it was very, very moist.

Mr. Touchette said that whole are is a low area.

Chairman Minchuk said the reason I said what I did because we are going to ask another neighbor that he is going to have to spend some money and do something I mean it is better to sit down and talk it out instead of saying ok buddy you have to change your stuff. We can't demand somebody to change unless they are intruding on his property or spilling over on his property.

Mr. Fortier said if somebody were dumping their sump pump and down spout run off on to my property it wouldn't last very long. I would take measures to make sure that water would not be coming on to my property.

Mr. Touchette said under Indiana Law the common Enemy rule I think that as a landowner you are entitled to build up your property

Mr. Justice said at first I wasn't going to say nothing about it but

Chairman Minchuk said but as a good neighbor it wouldn't be bad to sit down and talk to him and the engineer.

Mr. Touchette said it would be nice if this could be resolved in a neighborly fashion.

Mr. Justice said I think that the neighbor would also agree there

Mr. Stojakovich said I think that with the help of the Town Engineer and Storm Water they could direct you in a way that direct all that water in... we have had a bad winter a lot of water is in that ground right now. Our water table as Sedrick said is pretty high everywhere and every rain that we get everybody's sump pump is going crazy you know.

Mr. Fortier said even in lieu of taking care of the water problem we still have the issue of do we want to approve a circular driveway.

Mr. Holtz said you are building it on two separate lots.

Mr. Fortier said which he can have a separate driveway entrance on his second lot.

Mrs. Gregor said there is no principle structure there so

Mr. Fortier said question being there is no structure and can you connect the two driveways.

Mrs. Gregor said and once again we don't allow a circular driveway. I had gone out to the site and spoke with the petitioner and we kind of looked at the property even if kind of looped it around a little bit and then he would enter back out on to the existing driveway he says he didn't want to remove any trees or the yard light to get to that point.

Mr. Touchette said removing the tree would probably make the water problem worse.

Mr. Fortier said how is the driveway working out for you now safer entrance and exist.

Mr. Justice said real safe especially for like an example on Memorial Day I had probably had about eleven cars there and everybody was able to get out real safe.

Mr. Stojakovich said that was the concern that I had when I was there it was very, very hard to get out on 57th safely if that wasn't there I would have been there a little while to get out.

Mr. Touchette said and if he has many people over it would fill up the parking really quick as far as that extra turn around thing goes. Like Dorinda said I got on google earth and looked at this and there are 4 or 5 houses right on that street that has circular driveways already and true they went in when I was a boy those houses were built ok.

Chairman Minchuk said as a matter of fact we all tried to back out from that area and like I said it was terrible and I do it for my buddy that lives there and every time I tried to back out of his driveway and he doesn't live far from you people coming down there and they are flying. I totaling understand the safety of it I totally understand.

Mr. Justice said unless I can get a stop sign put up.

Mr. Fortier said so are we looking at a possible deferral for our next meeting.

Mrs. Gregor said just so you know we are not going to have a BZA meeting in June because we have no petitions so this would be held over to July hopefully we will get a couple of more petitions in.

Mr. Fortier said since there is already a driveway there he is not receiving any type of fine at this time.

Mrs. Gregor said no he just can't improve it any further. If the Board of Zoning Appeals were to approve this then he would have to obtain a permit.

Mr. Holtz said what if we because he wants to put an actual blacktop on it.

Mrs. Gregor replied yes asphalt.

Mr. Holtz said if he leaves it as it is

Mrs. Gregor said well he can't if the Board of Zoning Appeals denied this then he would have to tear it out.

Mr. Holtz said I probably wouldn't have any problem if it were all on the same lot since it is on two separate lots he could always sell that lot.

Mrs. Gregor said well I asked him what his intentions were with the second parcel and to date he is not going to do anything with it. It is just a large yard for his children and his family to enjoy so I said that would probably be a good college investment maybe his kids down the road if somebody did want to build on that lot because it is a buildable lot.

Chairman Minchuk said could we make that a stipulation that if somebody wants to buy the house we would have

Mr. Fortier said if somebody bought the lot the connection between the two drives would have to be eliminated.

Mr. Touchette said would you be ok with that.

Mr. Justice replied yes.

Mr. Touchette said I think it has been quite a few moons since a new house was built up on that street.

Mr. Holtz said if he goes to sell they might say they only want the one lot I don't want both lots.

Mrs. Gregor said as he purchased both lots

Mr. Holtz said when he sells he is either going to sell both lots or

Mrs. Gregor said he could sell one

Mr. Touchette asked if that is a platted subdivision

Mrs. Gregor said that area is legal non-conforming. Those are not platted lots they are meets and bounds

Mr. Touchette said technically he could go to the county and get them all listed under one tax key number

Mrs. Gregor said he probably should because that would save him on a Storm Water additional bill.

Mr. Touchette said he could go out to the auditor's office and ask that both lots be put under one they call it a tax key number and then it will count as one lot not two. You wouldn't be able to sell off a lot but it doesn't sound like you are interested in doing that anyway and then what Dorinda is saying is as far as your Storm Water fee and the Calumet River Basin both of those fees you are paying two of those now because you have two lots that would go down to one.

Mr. Green said the circular drive would work because it would only be on one lot.

Mr. Fortier said well now you are looking at two entrances on one lot

Mr. Green said that is right I am sorry.

Chairman Minchuk said for the conditions for this petitioner only, at this location only period. In other words somebody else would buy that property or you sell that property this is no longer any good. It is null and void. Is that right.

Mr. Touchette said yes

Mrs. Gregor said well once a variance is granted that kind of goes with the land. You can't tell them unless you stipulate in your approval process that if he were to sell that west 80 feet to make it into a buildable lot they would have to go through a plat approval to do that then you would make that stipulation that of course a circular driveway ceases.

Mr. Fortier said the connection between two drives would have to be eliminated

Chairman Minchuk said I would go along with that. Any other questions. Anybody in the audience for or against.

Mr. Holtz asked what are you saying Mr. Fortier.

Mr. Fortier said if they ever do sell it as a separate lot the connection between the two driveways have to be eliminated it cannot remain.

Chairman Minchuk said the agreement would be null and void that is it. You want to write that up somehow so we can state it in our records.

Mr. Fortier said we will make a motion and see if we can bring it up in the motion.

Mrs. Gregor replied yes. I put it on here.

Chairman Minchuk said can I get a motion please.

Mr. Fortier said I would like to make a motion that we approve Z16V5-0514 with the stipulations that if the vacant lot is ever sold the connection between the two driveways is eliminated.

Chairman Minchuk said can I get a second.

Mr. Green said I would like to make a comment. Would you still prefer the neighbors to work together to eliminate the drainage.

Chairman Minchuk said just to be for good neighbors.

Mrs. Gregor said why don't we make that as condition too.

Mr. Fortier said also I would like to request that petitioner work out a solution to the water ponding situation on the property with the assistance and advice of the Town Engineer.

Chairman Minchuk asked can I get a second or are there any other questions.

Mr. Holtz said who has to tell him that he has to put a pipe underneath it rather than just put his blacktop down.

Mr. Green said like I said that will be one of the things that we will work with between Storm Water Director Matt Lake and I to make sure that the pipe goes somewhere where if it is going to go in the swale in the back to make sure that is working properly and the water has somewhere to go so that would be one of the things that we would have to look at overall scope of the drainage issue. He may not need a pipe than everything can flow over land which would be better so it could soak into the ground or just continue to run over land to the other part of the drainage structure that could be out there which are the swales in the back yards if they are there.

Mr. Holtz said so he can't do anything until he gets the approval from you guys.

Mr. Green replied correct from my understanding that is how this motion is being

Mrs. Gregor said he will have to obtain a permit and I won't issue a permit until that has been worked out.

Mrs. Krafft said we want to help you.

Mr. Holtz said what he is saying is that he can't do anything until you guys the engineering approves it.

Mr. Green can ultimately Dorinda will be issuing the permit for him to complete his improvement.

Mr. Holtz said he will second it.

Chairman Minchuk said roll call vote.

Mr. Tim Fortier yes, Mr. Holtz yes, Sylvia Krafft yes, Chuck Stojakovich says yes and Mr. Minchuk yes. Motion carries 5-0

Chairman Minchuk said see Dorinda

Z14V3-0514 JAMES A MARSH, PETITIONER AND OWNER, Located at 5500 Chase Street for a Variance approval from Sec. 21-77 (3) to allow a second garage (detached) and increase the size of the proposed second garage from 864 square feet to 1724 square feet (27' x 64') on a legal non-conforming lot in an R-1 Single Family residential zoning district on 1.55 acres for personal storage of vehicles, equipment, furnishings, and personal workshop.

Chairman Minchuk said Good Evening

Good Evening how you doing my name is James Marsh of 5500 Chase Street Merrillville. I am 56 had heart surgery years ago I don't work I am a stay at home I am looking to build a bigger garage in order to access. I have a pagoda drive thru that I use for snow removal on my own property. My lawn I have a Dixie chopper, utility trailer and I have an enclosed trailer that I use for my 2010 Chopper that I move around. I do a lot of escorting soldiers when they return back from the War so I use that to access that.

Chairman Minchuk said with the Patriot Guard in other words.

Mr. Marsh said yes and the American Legion riders so I am due to get married in 16 days and my fiancées are moving in together so we are going to take her home and donate it to a Vet hopefully at Christmas time and we are in the process getting a few organizations together to help us to choose the right family to

go into that home and hopefully if they can have it by Thanksgiving or a Christmas present. I am also looking to put a workshop in there for my own personal use. I like to tinker and do a little wood work for myself. I made my own entertainment center and stuff like that. All my yard work I enjoy doing that myself that is what I do.

Chairman Minchuk said for the record I was at this location I spoke to this gentlemen and as you know I always have a soft heart for veterans and disabled veterans and all of that being a veteran. When he told me he was going to donate her house to a needy veteran and there was an American flag up there and a POW flag put up there for my personal self for anybody that gives back who wanted to serve but couldn't serve but yet tries to give back to the community and help veterans to me there is nothing better. I was really happy...I spoke to him we both got along very well but I will not let this interfere with this case I understand there are ordinances I do understand that but this man is really trying to give back to his community and his nation because he couldn't serve and I thing that I will give him a lot of consideration for that reason. Dorinda staff report.

Mrs. Gregor read her staff report. Conditions if approved for this petitioner only, at this location only, for this use only, for personal use only no business to be operated from any of the structures.

Mr. Fortier said I didn't see any height request on this.

Mr. Marsh said from what I remember them saying it is like 14 feet including the pergola's on the top of it.

Mr. Fortier said so to the peak of the roof then.

Mr. Marsh said actually the pergola's are on the top.

Mrs. Gregor said so it can't be any higher than 17 feet. So I did ask that question too because of the length I wasn't sure whether it had to be steeper.

Mr. Fortier said it is going to be pretty close to the size of the house to the other side 57th there.

Mr. Touchette said there is nothing there on the other side except the church.

Chairman Minchuk said it is like two lots over when I was there we looked at it and went all the way to the stop sign. His line even thou he has a fence there and it will not ..it is going to be 12 feet Dorinda from the property line.

Mrs. Gregor replied yes. He will meet the requirements for setbacks and everything.

Chairman Minchuk said all requirements for setback are met and plus he has extra property and then the church parking lot.

Mr. Holtz said so you will be tearing out the fence, tearing out the tree right there by the garage

Mr. Marsh said no trees. Which tree are you concerned

Mr. Holtz said the one picture looks like there is a tree all the way by the roadway.

Chairman Minchuk said it is nowhere near where he is going to build.

Mr. Holtz said I was just wondering how you are going to put the drive to go around the existing garage because it looks

Mr. Marsh said the one by the parking area now by the drive now. They are actually going to go around it and there is actually 20 some feet between the tree and the garage to come between there. They will make it a curved drive.

Mr. Holtz asked if there concrete in front of your garage.

Mr. Marsh said no it is blacktopped at the moment and at the same time we are going to remove all that hopefully to have that all concreted at the same time.

Mr. Holtz said it looks like gravel from the picture. I drove out there but I forgot

Mr. Marsh said it is gravel but that will be changed.

Mr. Krafft said Sir Can I ask you about the 13 rain barrels where do you plan to put those. Will they be in full view the rain barrels?

Mr. Marsh said if the permit goes through there will be 8 of them on the garage and then a couple on the house and the garage.

Chairman Minchuk said they are going to be approved by the Storm Water.

Mr. Marsh said they are all blue to match the building and the architect.

Mrs. Krafft said that was what I wondered if they would stand out.

Mr. Marsh said it will all be tied into the landscapers when they come in and landscaped everything.

Mrs. Gregor said the corrugated tubing that you see in those pictures that was to train his dog.

Mr. Marsh said I worked 13 years in Griffith in my own business for the Lake County Police, Lake Station, Gary, Hobart training canine for the police at the police department.

Mrs. Gregor said just so you didn't think he was pushing his drainage on to someone else's property.

Mr. Marsh said hey I am putting it to the neighbor's yard.

Chairman Minchuk said I think that he forgot but he said where the garage is there is going to be a lot of empty land in front of it. He is talking about putting trees, shrubbery.

Mr. Marsh said it is going to be landscaped.

Mr. Fortier said this will be for personal use you don't have any intention of running a business out of there.

Mr. Marsh said oh no I have been there for 12 years and I don't want to ever go back. We want to get to the point where we can enjoy our life that is why we are trying to do this now it is just the two of us and we just want to do this where we can spend the rest of our life's living there and retired there

Mr. Touchette said did I read in here that you would be taking down the tent.

Mr. Marsh said yes all that will be gone that is the whole reason I want to clean up the whole thing. I don't like it the tent. The tent was to enclose my trailer this winter it tore and we replaced it because I don't want it looking bad and that one is messed up and I am not going to keep buying them I would like to put up a nice enclosure up and have it nice inside. I don't know if you have the pictures of the existing garage but the existing garage is now is all finished and I take pride in keeping things clean.

Mr. Touchette said it looks clean.

Mr. Green asked do you own the house next door because it looks like your property line

Mr. Marsh said that has since been resolved there was a mix up on the property line and that has been squared away. The property line is put where it is supposed to be.

Mr. Holtz asked so that is what that warranty deed is for.

Mrs. Gregor said he corrected that but he will probably be back this fall to legally divide that lot. Right now it is just a meets and bounds so he will go through a 1 lot subdivision so everything so if something where to happen to him and his future wife then they could dispose of it as a legal lot so he will be back this fall.

Mr. Green asked if your driveway is totally on your property or is it still down the middle between

Mr. Marsh said no my driveway is completely it is hard to see in the picture there but there is a little fence between my house and his house and that property line in on that fence now. Basically what happen the neighbor next door owned the home that I am in now years ago and he owned the whole property? He built the house next door in I believe in 1976 then he sold that house well somewhere in the translation with the Indiana Title Company somebody got the south line and the north line messed up and once they found out they said wait a minute and we talked to the neighbor and that was all taken care of.

Chairman Minchuk asked if there are any other questions. Our Town Engineer.

Mr. Green said oh no that was the only

Chairman Minchuk said can I get a motion to approve. No can I just get a motion. Last call for a motion

Mr. Stojakovich said I will make the motion to approve Z14V3-0514 for Mr. James Marsh for this petitioner, at this location only and for this use only with no business to be run on the property.

Mrs. Krafft seconded the motion

Chairman Minchuk said roll call vote please.

Mr. Fortier yes, Mr. Holtz yes, Mrs. Krafft yes, Mr. Stojakovich yes and Mr. Minchuk yes.
Motion carries

Chairman Minchuk said please see Dorinda. Thank you I appreciate your help to the Veterans.

Z15V4-0514 JAMES A FOWBLE, PETITIONER AND OWNER. Located at 8440 Old Lincolnway for a Variance approval from Sec. 21-77 (3) to allow a 768 square foot second garage (attached) in an R-2, Single Family residential zoning district on 1 +/- acres to provide easier access and security of entry into home

Good Evening

Hi I am James A Fowble 8440 Old Lincolnway it is actually a Hobart mailing address. I would like to build another garage attached garage onto my home I need the extra space I have a couple of classic cars. Right now they are stored at my business and I am selling the business so I need the extra garage space to store them and it makes it a lot easier on myself and my wife getting in and out of the home. It will be more convenient and that is pretty much it. We have been there for 42 years. I would like to put another garage on.

Mrs. Gregor read her staff report. If approved for this petitioner only at this location only for personal use only no business operated from either detached garage or attached garage.

Chairman Minchuk asked if there are any questions.

Mr. Fortier asked if there are any complaints from neighbors about the proposed garage.

Mr. Fowble replied no.

Chairman Minchuk asked Dorinda we didn't get anything.

Mrs. Gregor replied no nothing.

Chairman Minchuk asked anyone here for or against.

Mr. Fortier said I asked that for a very specific reason because we did have a problem last year with the same area with a purposed garage.

Mr. Holtz said they wanted a second cut onto the street too if I remember right. He has a second driveway so he has a circular drive or he will have a circular drive technically.

Mrs. Gregor said and we can't tell him that he has to remove it because it was always there so that is why it is legal non-conforming.

Mr. Holtz asked if they have to make the new driveway hard surface do they have to make their whole driveway a hard surface.

Mrs. Gregor said not really it is just the entry way into the property. Into the attached garage off of east 73rd Avenue.

Mr. Holtz said what about on to Mill Court.

Mrs. Gregor said it is already there

Mr. Holtz said but they also have the entrance going off of 73rd

Mrs. Gregor said that will be the entrance that he will have to make a hard surface going into the new garage

Mr. Holtz said I am confused but Ok.

Chairman Minchuk said it is legal non-conforming

Mrs. Gregor replied it is legal non-conforming yes

Mr. Touchette said it pre dates the Town

Mrs. Gregor said I think that area was annexed in 1992 or 1994 something like that.

Mr. Fortier said with the new garage he has to conform with the new code and have a hard surface.

Mr. Holtz said but he wants to have the second door

Mrs. Gregor said that is his option if he wants to go out that way on his existing gravel driveway we are going to let him. Not to many people want to put two garage doors on a garage and I don't know if you know anything about woman backing up but we have a hard time backing up so I think that this is perfect.

Chairman Minchuk said this is the same problem that we had on 57th Avenue

Mrs. Gregor said absolutely

Chairman Minchuk asked if there is anyone else with a question. Anyone in the audience no can I get a motion please.

Mr. Fortier said this will all meet the building codes

Mrs. Gregor replied yes it will

Mr. Fortier said I would like to make a motion that we approve the Variance on Z15V4-0514 for a second attached garage for this petitioner at this location for this use only with no businesses to be run out of either of the garages.

Mrs. Krafft said she will second the motion.

Chairman Minchuk said roll call vote please

Mr. Fortier yes, Mr. Holtz said I will abstain on this one, Sylvia Krafft yes, Chuck Stojakovich yes and Mr. Minchuk yes.

Motion carries 4-I abstain

Chairman Minchuk said talk to Dorinda. Any question from the panel because we are ready to close out.

Mr. Fortier said I would like to make a motion for adjournment

Mr. Stojakovich said I will second that motion.

Chairman Minchuk asked all in favor aye

Motions carries.

Meeting adjourned at 7:29P.M.

Respectfully submitted
Janet Rosko