

MERRILLVILLE BOARD OF ZONING APPEALS
October 29, 2014
6:30 PM

The Board of Zoning Appeals meeting of October 29, 2014 was called to order by Chairman John Minchuk at 6:30pm and led the group in the Pledge of Allegiance.

ROLL CALL

Members in attendance were John Minchuk, Chuck Stojakovich, Ric Holtz, and Tim Fortier. Mrs. Krafft was absent. Staff in attendance was Dorinda Gregor, Attorney Touchette, Sedrick Green of Robinson Engineers and Councilman Richard Hardaway.

MINTUES: August 27, 2014

Ric Holtz made a motion to approve the minutes of August 27, 2014

Tim Fortier seconded the motion

Mr. Stojakovich said let the record show we have 4 members here tonight.

Motioned carried

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 have with you. After that we will have the case open 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 room. 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.

OLD BUSINESS

None

NEW BUSINESS

Z29V13-1014 BERNADINE & FORD PATTERSON JR., PETITIONER & OWNER,

Located at 513 West 56th Place for a Variance from Sec. 21-77 (3) to allow an existing 12' x 22' carport to remain and a proposed 22' x 25' detached garage to be constructed in an R-2, Single Family Residential zoning district for homeowner's safety and protection from inclement weather.

Chairman Minchuk asked if there is anyone here for that case.

Good evening I am Bernadine Patterson and I am Ford Patterson Jr.

Mrs. Ford said we would like to have a two car garage built and it will be a detached two car garage. Right now we have a carport. We wish to keep the carport so that we can drive thru the carport to the garage. We would like to keep the carport for safety reasons for taking things out of the car putting them in the house. We use the carport basically for a patio we sit outside the side door with our lawn furniture during the spring and summer and we wish to keep it for that reason. WE submitted pictures of the carport we intend to have part of the carport torn down because it is falling down. We only wanted to keep the roof of the carport and to have it reconstructed to match the roof of the house so that when we drive thru it would look better.

Chairman Minchuk asked Dorinda to read her staff report.

Mrs. Gregor read the staff report. Conditions if approved for this petitioner only, for this location only for this use only.

Chairman Minchuk asked if there is anyone on the board that would like to ask any questions or anything.

Mr. Holtz said why would you not want to make it an attached garage.

Mrs. Patterson because there is not enough room for two cars.

Mr. Touchette said I think that they want to keep their patio.

Mr. Patterson said that is the idea it would be a small patio with the cars being driven thru to the back yard where the garage will be located and I think..

Mrs. Patterson said we have a huge backyard

Mr. Patterson said my wife has this idea I think that I don't think that she wants to admit it but I have dropped several grocery bags of grocery when I am coming in and it is raining and I slipped a couple of times and I think that she has begun to feel sorry for me and the dog house has a tendency to get a little lonesome.

Mr. Fortier asked if the carport will remain open as it is now it won't be enclosed correct.

Mr. & Mrs. Patterson both replied correct.

Mr. Touchette said so you are taking the back side of the carport off. Is that a shed now?

Mr. Patterson said yes it is a shed.

Mr. Touchette said you are going to have a driveway that comes out straight thru.

Mrs. Patterson said goes straight thru yes.

Mr. Holtz asked if the driveway being widened.

Mr. Patterson said somewhat yes.

Mrs. Gregor said the driveway is only being widened in the rear yard.

Mr. Holtz asked not is everything being torn out as far as the existing driveway and the patio or the

Mrs. Patterson replied yes all new cement.

Mr. Holtz said no I mean based on the drawing that is what it looks like. That is why I was asking it said new driveway so I thought that maybe they were widening it.

Mrs. Gregor said no.

Chairman Minchuk said so the hardship for this case is the removal of grocery and stuff. The carport keeps off the ice and rain and that is your hardship.

Mrs. Patterson replied yes and we are getting older and it is making it harder

Chairman Minchuk said we all are. Anybody else before I go to the audience. Nobody

Mr. Green said I have one comment I just like for the petitioners to make sure that it is noted and verified your underground and above ground utilities you don't want to build on top of your sanitary sewer lateral I see it coming up the back of the home I don't know if it is going to

Mr. Patterson said the sewer line is here and the garage would be to the left of it.

Mr. Green said yes it looks like I can see the clean out.

Mrs. Gregor said the garage is going to be right here (map).

Mr. Green said so just watch for the overhead wires with tractors.

Mr. Holtz said yes I know that one of the pictures it looked like the overhead wires I don't know which it was it looks like it may be in the way.

Chairman Minchuk said it looked to me like cable.

Mr. Fortier said you will continue to have gutters on the carport for run off for neighbors.

Mr. Patterson replied yes

Chairman Minchuk asked if there is anyone in the audience that would like to get up and speak on behalf or against this petitioner. Come to the middle please. Did you sign in please?

Mr. Burns said first of all I have to apologize my hearing is very poor and so I really can't hear what is being said up there so I brought my wife along and she will try and help me. What I wanted to say was I am the next door neighbor to the Patterson's and the way that I see the plan that they have I am opposed to it because I feel like it would adversely affect my property values as I see the way they have it proposed it would basically shut off my view. Anyone coming from Broadway heading east my property would be in the shadows of this proposed garage that they are building. I know of no incidents where garages are protruding beyond the houses. All of the residences are on a straight line. I can stand on my steps and look all the way down 57th Place to Adams Street.

Mrs. Gregor said you may want to tell them that the garages are in the rear yard.

Mr. Burns said going north I can stand on my steps and look all the way to Harrison so if that proposed structure would go through I would be in the shadows of their garage.

Chairman Minchuk said when they build the garage it will be where the shed is now am I right. The shed is coming down and the garage is going to be where the shed is in the back of the house.

Mrs. Gregor said Sir do you want to come up here and look at the plans.

Mrs. Burns said go up there so you can see the plans what they have

Mrs. Gregor explained the drawings and the garage is in the rear yard it will be in their back yard not in the front in back.

Mr. Burns said Oh I see now

Mrs. Gregor said you won't be able to see in the front.

Mr. Burns said I won't be able to see it in the front.

Mrs. Gregor replied no because he is putting the garage in the rear yard.

Mr. Burns said he is putting it in the rear yard it would not affect my property at all. Then I am not opposed to it. I am only opposed to it if it obstructs my view if I sat on my steps and looked.

Mrs. Gregor said if you sit on your front steps yes. No it will not see this unless you stand in your backyard.

Chairman Minchuk said and you have the shed there then you have the shed there now and it is going to come down

Mr. Burns said may I see it again.

Mrs. Gregor said explained the location of the garage. Where his little garden is the garage will be placed back there.

Mr. Burns said so it is not going to extend to the front.

Chairman Minchuk replied no. They are actually going to go through the carport to get to their garage.

Mrs. Gregor said they are going to drive through the carport to their backyard.

Mr. Burn said and the garage will be in the back.

Mrs. Gregor replied yes.

Mr. Burns said I am not opposed to that.

Chairman Minchuk said thank you very much I appreciate it.

Mr. Burns said I thought they said it would be in the front yard.

Mrs. Gregor said no this is where his front yard is.

Mr. Burns said then my property is not going to be my address and the street light is not going to be obscured by his garage at all.

Mrs. Gregor said nothing to the front.

Mr. Burns said nothing to the front then I am not opposed to it.

Chairman Minchuk said Thank you very much we appreciate it. Ok if there are no other questions any other opposition I would like to get a notion from the board please.

Councilman Richard Hardaway and I have observed a carport on the back of it and it is in my area and I supported because it is going to enhance the property value that surrounds it as opposed to take away from and I think that anytime we can do anything to increase property value in our end of town we should try to do that. I fully support what they're doing and I ask that you set the BZA to look favorably on their request so that they may be able to pursue and complete this endeavor. Thank you

Chairman Minchuk said ok can I get a motion please

Mr. Holtz said he would like to make a motion to approve Z29V13-1014 for this petitioner only for this location only for this use only.

Mr. Stojakovich said I will second that Mr. Chairman.

Chairman Minchuk asked for a roll call vote please.

Mr. Fortier yes, Mr. Holtz yes, Chuck Stojakovich yes and Mr. Minchuk yes.
Motion carries

Chairman Minchuk said you will need to see Dorinda she will set you up with what you need to do.

Z30E14-1014 TENDER LOVE HOME SERVICES, LLC. PETITIONER

CLAIR HOEKSEMA, OWNER, Located at 7895 Broadway Suite O & P for a Special exception approval in a C-2, Community Commercial zoning district for a proposed training facility for individuals with disabilities.

My name is Ann Parker 7895 Broadway Suite L, M and N currently. We were trying to see if it would be possible to utilize as well as we have L, M and N to utilize O & P for a training facility for the development of the disabled. So that is our reason for being here we would be doing training with them to get them prepared if they wanted to when they come out of High school if they wanted to move out on their own we will get them prepared to do the trainings because they are so use to a routine being in school a lot of them there is no place for them to go at this time because all of the other training facilities are full so we would like to provide a place for them to come to continue to get some educational things Done to some trainings for them to be able to continue a normalcy for them because they are used to doing a routine of things. So right now they currently don't have a place to go and they are sitting at home with the parents and of course just like anyone else I have a strong passion for taking care of the disabled as well as the elderly that we do at our home care agency and so we would just like to be able to offer service as well for them to come out during the day It is only during the day 8:00am to 4:30 pm we will be open Monday through Friday.

Mrs. Gregor read her staff report. Condition if approved for this petitioner only at this location only for this use only.

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

Mr. Touchette said so then none of your students will drive then.

Mrs. Parker replied no.

Chairman Minchuk said they are all disabled right.

Mrs. Parker replied yes

Chairman Minchuk said that is where I was a little confused if they are students coming from school and they need a place to go or they disabled that need special attention.

Mrs. Parker said no all of them are disabled so when they finish high school and they are done and have met their maximum age limit that they can no longer go to high school they go to a day program so right

now there is no openings at any place so we have several students sitting at home and so we would be able to help more students with us opening because we also currently take care of developmentally disabled students right now in the apartments stage. They go for a day program in the day and in the evening we take care of them for 24 hours for the rest of the day.

Chairman Minchuk asked what is the extent of their disabilities.

Mrs. Parker said well it depends they may have cerebral palsy different things of that nature that they need care 24 hours they can't be you know by themselves they need queuing just a little queuing but a lot of them are very high functioning it is just a matter of having a mild disabilities. A lot of them are high functioning.

Chairman Minchuk asked if they have State approval already or

Mrs. Gregor said you are going to address the issue have you contacted the State of Indiana to

Mrs. Parker said I did but the gentlemen didn't get back with me yet to clarify because I was sharing with him what I had received information on and so he hadn't yet got back with me to clarify.

Chairman Minchuk asked if you have facilities there for them to eat lunch, breakfast.

Mrs. Parker said they will come with their lunch and we will warm it up for them but they come with their own lunch and that is all day programs. They come with their own lunch we warm the lunch for them.

Chairman Minchuk asked you have like entrances and exits appropriated for people in wheelchairs.

Mrs. Parker replied yes we do.

Mrs. Gregor said they have their evacuation plan in the staff report also.

Chairman Minchuk asked anyone else.

Mr. Fortier asked if they have a nurse's office. Will there be medication on premise.

Mrs. Parker replied yes Sir we do. I am also a nurse as well and there will be a nurse on site at all times in the office while they are there. There will be a nurse on site. When they are out into the community there will also be a nurse going out with them as well. Safety is definitely my priority.

Mr. Fortier said so the nursing staff will manage the medications as such.

Mrs. Parker said yes exactly.

Mr. Holtz asked what are your time frames you said you will start out 2-1 and eventually end up 4-1 as far as the radial.

Mrs. Parker said right now what we have found out currently we have 5 people that are waiting for us to get approval so we can get them started but we already had everything put into the data base we just have to hold them off so we could get the approvals that we needed for all the safety issues for them. So what happens is there is a list when they come out of school that is obtained and so those students from a different high schools are on a list and are waiting to be able to go someplace. If there is no openings then they have to be at home all day with their parents which some of the parents work so that is an inconsistencies for them. They are not able to work if they don't have anyone at the time to now take care of their child because they are still needing to work and be employed to take care of their family but no one able to take care of them during the day.

Mr. Holtz asked your instructors do they need to be certified or what

Mrs. Parker said certified the instructor the program director is certified she has already done a day program. Right now she is currently right now working in a school with developmentally disabled with 20 years of experience. This is what she has done her whole career this is what she has done

Chairman Minchuk asked if she comes under the American Disabilities Act do you come under that or how does that work for you.

Mrs. Parker said since we do home health which we take care of the disabled elderly, just general elderly senior population and then we take care of developmentally disabled so I am not sure we are under that

act as of yet because what we are adding it may put us under that act at that time because we are adding something else to what we are currently doing.

Chairman Minchuk said I was wondering if you come under that act. Anybody in the audience for or against that would like to get up and speak.

Good Evening my name is David Copeland in support of this wonderful idea to help the disabilities. I truly have a passion when I was in elementary school I worked with the Downs Syndrome young man as far as kids wise were bully him and didn't want anything to do with him but I had the love and compassion for it and so I would take him under my wing as a actual blood brother to me and take care of him and others seen it and eventually they join ok I will be nice to him and stuff like that but what I am saying is I really support the disabilities and support this type of business and this endeavor. So I am for it Thank You.

Chairman Minchuk said the reason I am really for it too is I'm a 60% disabled veteran I have my problems. I have two nieces one that already died that were full blown Down Syndrome and I call them God dealt them a bad hand and they work with it so I am for it 100% anytime there are disabilities for Down Syndrome for anyone with disabilities Act I am 100% for it. I am not trying to convince anyone on the board here that is my personal feelings. Anybody else.

Mr. Holtz asked will you go beyond the age of 26.

Mr. Parker said we are trying to target that age but if there is room left over because we do have quite a bit of space to accommodate then we will go a little bit past the age of 26.

Mr. Fortier asked if there is any security set up for unruly students.

Mrs. Parker said we have what we call the quiet room and the quiet room is going to have furniture if they were kind of a little bit irate then we have a room that is totally no windows or anything that they can injury themselves on and they will be taken in there so they can relax and kind of quiet down so it doesn't disturbed the others we have a room designated for that just to get them calmed down because I don't believe in harsh punishment when it comes to taking care of them. They go through things just like anyone else they have a bad day just like we have a bad day so I make no difference in that. I have and empathy and compassion for what I do because they were dealt a hand that they didn't choose to have it was just something that they had no control over so my approach is to use a lesser of restraint to deal with that and then if we see we can resolve the issue that they are having a bad day is to initially try to defuse it in the least restraint way as possible.

Mr. Fortier said so there is no security on site then.

Mrs. Parker said no we don't have any security on site.

Mr. Fortier said the reason I ask is I am on the Fire Department I have responded to care facilities with unruly clients needing more than what the staff is able to afford.

Mrs. Parker said ok if there is a need if there is something that we can have then we are advised by the state agency for adult care office to call the Police Department if it is something that we just can't handle and it is just way out of our control but we try to initially do the calming, quiet and soothing whatever kind of pleases them to defuse the situation before it gets to out of hand in the event that it does and taken them to the side and given then their 101 attention that they need then at that point after some time frame if we can't then we will have to then we are told to call 911 for some help. We have not had that problem with our 24 hour clients but if it need be and becomes an issue then we will call.

Mr. Touchette said if we do the approval tonight will that need to be made contingent upon the States Approval then.

Mrs. Gregor replied yes

Mr. Touchette said that will be the only condition other than

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

Mr. Fortier said is that about the sprinklers or is that about the licensing.

Mrs. Gregor said that is about the sprinklers. The change of use requires the sprinkler systems but because the State of Indiana says as accessibility Inc stated in November that they were going to change that ruling that there not going to be an I occupancy that they are going to remain a B then sprinklers are

not required in a B occupancy use however she has filed paper work for the Variance if she needs to move forward with that to approach the State of Indiana to see if the sprinkler systems can be varied.

Mr. Fortier said this is like the third time this issue has come up.

Mrs. Gregor replied yes it is.

Mr. Holtz said question for you Dorinda what type of use and where would this be allowed if it wasn't at this location.

Mrs. Gregor said all of them have to go through this approval

Mr. Holtz said regardless of

Mrs. Gregor said regardless of where it is going to be.

Mr. Touchette said this is going to be basically right across the street isn't it.

Mrs. Gregor said right it is going to be where her current office is. She has Tender Love Home Health Care as well as a CNA school that she was approved for.

Mr. Touchette asked if they are going to keep occupying your current office.

Mrs. Parker said we are going to keep occupying the current office because that is a different entity now. We occupied L & M is my Home Health. N is the CNA school and then O & P will be the training facility.

Mr. Touchette said it sounds like a lot of pluses for the community.

Mr. Stojakovich replied yes it does.

Chairman Minchuk said they were very prepared. Like some that come in here are not prepared at all. They were very, very prepared. What they want to say and answering every question that we asked. We have so many people that come in here that can't do that. I am amazed is there another question can I get a motion please.

Mr. Fortier said I would like to make a motion to approve this Special Exception for case no. Z30E14-1014 with the contingency that it receives a variance from the State if needed, for this petitioner, at this location for this use only.

Mr. Holtz seconded the motion

Chairman Minchuk asked for a roll call vote.

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

Motion carries

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

Chairman Minchuk said seeing no other business I would like to get a motion to adjourn please

Mr. Stojakovich replied I would like to make that motion Mr. Chairman

Mr. Holtz seconded the motion.

Meeting adjourned at 7:05P.M.

Respectfully submitted
Janet Rosko

