

**MERRILLVILLE BOARD OF ZONING APPEALS**  
**January 28, 2015**  
**6:30 PM**

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

**ROLL CALL**

Members in attendance were Mr. Holtz present, Chuck Stojakovich is here, Mr. Minchuk absent, new member Robert Bigelow and Tim Fortier. Staff in attendance was Dorinda Gregor, Attorney Touchette, Sedrick Green and Bob Csanyi of Robinson Engineers.

**MINTUES: September 24, 2014**  
**October 29, 2014**

Vice Chairman Fortier asked if we have minutes from our last meeting which would have been October.

Mr. Stojakovich said we have September and October in the packets.

Mr. Holtz said I would like to make a motion to accept the minutes of September 24, 2014 and October 29<sup>th</sup> 2014.

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

Vice Chairman Fortier said we have a first and a second all of those in favor

Commission member all in favor said aye

Vice Chairman Fortier said approved as read.

**COMMENTS FROM CHAIRMAN:**

As mentioned we have a new member to the Board of Zoning Appeals Mr. Robert Bigelow welcome.

Mr. Bigelow said it is a pleasure to be aboard again.

Vice Chairman Fortier proceeded 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 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 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.

Our next order of business will be the election of officers.

**2015 ELECTION OF OFFICERS:**

We have Chairman, Vice Chairman and Secretary for 2015. Do we have any recommendations for those offices?

Mr. Vice Chairman I would like to make the recommendation that Mr. Minchuk retain the Chairmanship spot. Like I said earlier he is not here he had back surgery a couple of weeks ago and he is not able to get around yet. I would like to make a motion that Mr. Minchuk be Chairman.

Vice Chairman Fortier asked do we have a second on the motion.

Mr. Bigelow seconded the mention

Vice Chairman Fortier said we have a first and a second on the motion that we retain our present Chairman. Roll call vote.

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

Vice Chairman Fortier asked if there is any recommendations for Vice Chairman.

Mr. Holtz said I would like recommend that Mr. Fortier remain as Vice Chairman.

Mr. Stojakovich said I will second that motion

Vice Chairman Fortier said we have a first and a second to retain Mr. Fortier as Vice Chairman. Roll call vote

Mr. Holtz yes, Mr. Bigelow yes, Chuck Stojakovich yes and Mr. Fortier yes, Thank you.

Vice Chairman Fortier said the remaining position is for secretary. Recommendation for secretary.

Mr. Holtz said I would like to recommend Chuck Stojakovich for secretary again.

Mr. Bigelow seconded the recommendation.

Vice Chairman Fortier said we have a first and a second to retain Mr. Stojakovich as secretary. Roll call vote.

Mr. Bigelow yes, Mr. Holtz yes, Mr. Fortier yes and Mr. Stojakovich I will accept.

Vice Chairman Fortier said so we are retaining the same officers for 2015 as we had in 2014. Do we have any communication?

Mrs. Gregor said yes we do have one e mail of communications from the Storm Water Director in regards to the 4<sup>th</sup> petition. You can read that at the time we hear the petition.

**OLD BUSINESS:**

None

**NEW BUSINESS;**

**Z1uV1-0115 VIEW OUTDOOR ADVERTINGS LLC. PETITIONER**

**SNEZANA TANTS, OWER**, Located at 8037 Taney Place for a Variance of use approval in a C-2, Community Commercial zoning district to construct an off sign premise sign (14' X 48' billboard) trifold, digital and/or static sign 55' in height within 300' of a residential zoning district and property owned by a church.

Richard Anderson 9211 Broadway Merrillville Indiana. Mr. Pete Schroder is in the audience he is the President of View Outdoor. View Outdoor is as you know part of the Whiteco Industries of Merrillville. Basically we are talking about 8037 Taney Place. The area is owned by Mrs. Tants who owns Studio 30 the hair concept salon. She has been there for 20 years she is just celebrating her 20 year anniversary. So she is actually the owner of the property in question. The property is east of McDonalds and north of the car dealerships which are on the other side of the street. The zoning is C-2 and I will pass this around and basically the only property that is C-2 is right here (map) all the property across the street is C 3. McDonalds has gotten its property converted to C-3 along the way so that basically the reason I am here for a use Variance is because this property remains as a C-2 even though it is on Highway 30 that is a highway commercial type area but I will pass that around. Basically the proposal is for a 50 ft. (14 x48 billboard sign) trifold, digital or static basically it would start out not being digital. The Variance request is as I said before is a billboard in a C-2 that is a Use Variance and then being located within 300 feet of a residential zone and a property owned by a church those are Developmental Variances the parcel meets the requirements as far as the ordinance which is 2500 square feet so basically you can see the location of the sign. The State permit has been issued and since the time that I gave the State permit to Dorinda we have a supplemental State permit that permits digital also. The purpose of the State is to review to see if there are any problems as far as location and hazardous to the general public etc. So I will go ahead and pass out even though you probably have the one this one has attached to it an amendment. One of the other areas that we always cover with regards to the ordinance provides that on Highway 30 that the signs need to be 1980 feet apart so I have a drawing that confirms that the sign to the west is 2100 feet away and the sign to the east is 2300 feet. So we are within the spacing the Town set spacing for I 65 and 30 and we are within the requirements of that. The advertising content and we have talk about this other signs that have been approved with regards to View Outdoor is there will be no adult oriented any kind of Gentlemen's club or adult book store, peep shows or strip tease parlors etc and were I am getting that wording is from your zoning ordinance so it sounds a little arcade to a certain extend so some of those thing I don't think that we have any more but basically no adult oriented type stuff in addition what we are suggesting in this case is the side that faces toward the church since it is a double edge sign that would also be prohibited as far as any alcohol sales so that we would just eliminate that on that side of the sign. The house to the north is approximately 100 feet away from the sign and I have a drawing that shows that and the church property is next door but the actually church is 314 feet from where this proposed sign is

going to go. So if you look on there (drawings) you can see the one that is over 100 feet and the one that is 314. The side also sits the building actually is in back of the sign as far as with regards to the house to the north. The setback of the sign which is another requirement of the ordinance it has to be 10 foot back from the right of way and it meets that requirement the other thing that is when we talk about size of signs the 14 x 48 meets the requirements of the ordinance which is 675 square feet actually if you multiply 14 x 48 you get 672 square feet so it is within what the ordinance is. So basically we are seeking the Variance of Use because of the fact that the zoning classification at this time is not proper even though it is on highway 30 which is a highway commercial area. If you have any questions I will be happy to answer. Thank you.

Mrs. Gregor read the staff report. If approve for this petitioner only, at this location only for this use only. The location of the advertising billboard is located in a commercial district. On the west and south side of Rt. 30 it is zoned C-3 Highway Commercial however the residential district is the north and the east side of the proposed advertising billboard sign. Since this is a two sided sign stipulate if this advertising sign should be static, trifold or digital on one or both sides of the sign.

Vice Chairman Fortier asked if we have any questions or comments from the board.

Mr. Holtz said this is for Dorinda or ask Mr. Anderson if he knows how much light if you ever do decide to put up a digital

Mr. Anderson replied it will meet the requirements of the ordinance. It is very specific in the ordinance as far as the type of colors the type as to how often it can change.

Mr. Holtz asked how bright are they since it is going to be within 100 feet of the house.

Mr. Anderson replied that the house is not going to be able to see them because of the fact that the building that houses the Beauty Concepts is in front of the house and then

Mr. Holtz said it is going to be 55 feet high

Mr. Anderson said yes I mean and well we can make sure that it doesn't as far as its aiming I am sure that they can control that so that it is I mean it is hard to say I just know what the ordinance requires with regard to the lighting. Right know if you go out there there is quite a bit of light out there because you have the car dealership across the streets with all the poles of lights to show the cars and then you have McDonald with all of their lights so there are lights out there but I think that we can control as far as how much there is.

Mrs. Gregor said so there are three styles of signage that is static, trifold which there is a trifold down here on Broadway that kind of moves like this or the digital. So there are basically 3 types.

Mr. Anderson said they are a triangle and you have seen them and they change every minute or so.

Mrs. Gregor said they flip.

Mr. Anderson said that is a possibility too and to begin with it won't be digital.

Vice Chairman Fortier said that is not what we are here to decide correct Dorinda what style sign

Mrs. Gregor said yes we have to first are we going to allow this to go into the C-2 zoning district. Are we going to allow it to be digital so stipulate what type sign whether it is one side, both sides one and one different types on either side and to allow it to be located near the residential.

Mr. Holtz said do you know where the other sign is that you said that it was to the west of that one.

Mr. Anderson replied yes the one that is shown on the drawing is there is a dot on the map that I gave you That shows there used to be one on Schepel and then Schepel went down and they moved the sign. I think that it is a water company building that is at the far west end of it is either a water company or a sewage building. There is a small building if you see the dot the existing sign is one place and if you look to the left of it basically that dot is right up on 30 so it is right at the end of the extra parking lot of Schepel.

Mr. Holtz said ok so it is

Mr. Anderson said I am not sure I have to tell you

Mr. Holtz said but there is not one on the same side on the north side

Mr. Bigelow said it is on the south side of Rt. 30

Mr. Holtz said I knew about the one on the south side but I didn't know whether there was one on the north. So you are saying the one on the east is the one by Simons

Mr. Anderson said yes that is the one on the north side and the answer would be yes. Well Taft Street it is on the other side of Taft Street Simon Sezs.

Mr. Holtz asked if the Ordinance Dorinda know the ordinance does it matter what side of the street it is on.

Mrs. Gregor said no it is up to the Board of Zoning Appeals to make a recommendation to the Town Council.

Mr. Holtz said ok I am sorry I know that they have to be so far apart ok so could one go directly across from it

Mrs. Gregor said the billboard sign no it would not meet the spacing requirements.

Mr. Holtz said I didn't know whether the spacing requirement

Mrs. Gregor said the spacing requirement is across the street or to the sides or to the rear. It has to be on a major thoroughfare-I 65, Mississippi Street, Rte. 30, Taft Street and Broadway

Vice Chairman Fortier asked if we have any other questions from the board.

Mr. Bigelow said just the question with the side that faces the church. Will you specify in writing for all future people that want to display on this sign what you talked about no alcohol etc.

Mr. Anderson said yes.

Mr. Bigelow said that will all be specifically spelled out in writing.

Mr. Anderson said what happens when you make your recommendation to place it in your recommendation and then it is part of the approval process and then I think that Dorinda has already indicated that it is for this petitioner at this location so basically it is tied into that. So the answer is yes but that is a long answer.

Mr. Bigelow said I just didn't want it to get lost five or ten years down the road.

Mr. Anderson said and they haven't done any with all the billboards. View has never done any. They just advertise that kind of stuff.

Mrs. Gregor said if this were to be approved would they allow nonprofit organization's to advertise on there.

Mr. Anderson said like a digital yes like a community

Mrs. Gregor said for a community outreach

Mr. Bigelow said the other question would it block the view of the sign for Studio 30. If you are coming from the east how will the height compare with the height of their sign?

Mr. Anderson replied I am no sure but that is the person who is granting the approval to use their property so she has obviously considered that.

Mrs. Gregor said this sign cannot exceed 35 feet in height and I am pretty sure it is lower that.

Mr. Anderson said if you figure a 50 foot sign you take away the 14 feet you are at 36 feet basically the bottom of the sign.

Mr. Bigelow said he is just checking

Vice Chairman Fortier said is there any one in the audience that would like to speak for or against this petitioner.

I am Sherri Modrak I have been the owner of the McDonalds restaurant since 2001 and before that my father was the owner of the restaurant since 1974. In 2011 I rebuild my restaurant and one of the reasons

our biggest reason I rebuild it was to improve the traffic flow around my site and to also improve customer visibility of my restaurant so customers being able to see my business and my signage is very important to me and it is my hope that the proposed billboard would not limit the view of my property especially the customers that are traveling westbound on US 30 and it is important to me that if the proposed sign is erected just so it doesn't affect the visibility of my site and signage in anyway. The original notice that went out didn't have much detail of the sign but we learned some of that a few minutes ago and that would be helpful to me but it is difficult for me to know that the placement of the sign you know how it will really affect my visibility as well. But just concerned with visibility.

Vice Chairman Fortier asked do you still have concerns with the height of the sign. Would you like to address this evening.

Ms. Modrak said could that be stated a little clearly I left with the impression of 30 feet.

Mr. Bigelow said 36 would be the bottom of the sign. Well if it is 55 feet tall and the bottom would be 40 feet.

Mr. Anderson said I hate to interrupt it is limited because of the ordinance. So it is basically 36 feet because the sign is 14 x 48. So you have 36 feet under the sign would be. The highest sign in the town within regards to this particular sign is 35 so basically over the top of that unless someone has an awful tall truck.

Attorney Touchette asked Mam do you know how tall your sign is.

Ms. Modrak replied yes I feel that my overall height or the top of the sign would be somewhere between 32 and 40 but it is just difficult to tell in driving that area how it would change things. Of course it is difficult and not knowing exactly where it would be until know it is still difficult to tell on the blocking. In our business we do some things such like a sign test where you hang a fake thing up there will a crane and drive it but that is too complicated to do in this situation but it is difficult to interrupt the facts tonight. But just stating that concern.

Mr. Bigelow said so people are going to be seeing it from as they are sitting in their car about 5 feet above the road. They can see under that sign very well to be able to see yours without a problem.

Ms. Modrak replied I think that you are right.

Mrs. Gregor said can I address Mr. Anderson billboard signs can be as high as 55 feet in a C-3 zoning districts.

Mr. Anderson said I think that you and I agreed that it was 50 in a C-2. That's why

Mrs. Gregor said once again this was a Use Variance so ....

Mr. Anderson said we can make it higher if because there is more to see underneath.

Ms. Modrak said it seems that would be helpful to the overall visibility.

Mr. Touchette said would you come up to the microphone so that we can get your comments.

Mr. Rob Csanyi Town Engineer stated my question would be is there some way that you could do some sort of mock up where you can show this lady...

Mr. Anderson said we can and I think that basically we could do it before the time of the Town Board meeting because this is a recommendation to the Town Board so that she can see the mock up and then she can come to the Town Board meeting if I have failed to prove at 55 feet now we are talking about you are the engineer but I think it is like 41 now we are at 41 feet of space.

Attorney Touchette said I am just a guy thinking about how this is going to work and I would almost have to see something I think. I don't hear that you are objecting to this mam

Ms. Modrak said absolutely not objecting just that concern of my visibility.

Attorney Touchette said if it was to block your visibility then I think that you might be objecting is that a fair statement.

Mr. Anderson said I am willing to do the mock up and what I am saying to you is since we have another step in this process if the board sends it to the Town Council she by then will know because we have had our mockup whether or not if everything we are saying is correct.

Attorney Touchette said I would ask that you do that and ask that be a condition.

Mr. Anderson said we have a double step process here since this is not a final tonight because of that

Mr. Touchette said I do know that this lady spent a lot of money making a very nice restaurant over there and she has a lot at stake here.

Mr. Anderson said right and I don't think that this is an issue so I don't have any problem with it.

Ms. Modrak said I am agreeable to that and thank you.

Vice Chairman Fortier asked if there is anyone else in the audience that would like to speak for or against. Seeing none I would like to open it to the Board for a motion.

Mr. Bigelow said Mr. Chairman I would move that we approve this but limit it to a static or trifold and not a digital sign because that would be a little less bright in the neighborhood out there.

Mr. Fortier asked do we need one motion for all three issues or separate motion each issue

Dorinda said do them separately

Mr. Fortier said right now we need a use variance first

Mr. Anderson asked would it be possible that the digital be away from the church.

Mrs. Gregor said so on the west elevation

Mr. Anderson replied right because that way you can have community messages because you can't have community message with static and you can't have it with trifold because you are putting vinyl out there. With the other you can do that so basically if it was facing toward the west then McDonalds is in front of us so that should work ok for McDonalds and basically that would protect the church on the other side.

Mr. Bigelow said that would be fine with me

Mrs. Gregor said why don't we do if the use is going to be permitted in a C-2 zoning district

Vice Chairman Fortier said let's start with the motion for the Use Variance

Mr. Bigelow said Mr. Chairman I move that we approved this in the C-2 zoning.

Mr. Holtz seconded this

Mr. Fortier said we have a first and a second to approve the use variance. Can we get a vote?

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

Vice Chairman Fortier said now I think we are looking for a motion for the type of sign that will be allowed on the property.

Mr. Bigelow said Mr. Chairman I move that we allow all three that they talk about on the west side and on the east side we do not allow the digital. That we allow the static and the trifold on east phase and all three types on the west phase.

Mr. Stojakovich asked Mr. Anderson if that is worded right.

Mr. Anderson replied yes.

Mr. Stojakovich said I just want to make sure. I would like to second that Mr. Chairman.

Vice Chairman Fortier said we have a first and a second to approve all three static, trifold and digital on the west side of the sign and only trifold and static on the east side of the sign.

Mr. Holtz asked why are you more concerned more about the church on digital side and not the residence

Mr. Anderson said I don't think that the residence is going to be impacted like I said before because of that house being in there and I was trying to make a compromise so we would be able to help the community and we are facing toward the bright side so if you go down there even right know even with

the car dealer lights on from across the street it is very bright down there and I don't think you are going to notice that the sign is even on to be very honest about it. This would limited it even more because it will only be half of it.

Vice Chairman Fortier said we also have a petitioner here requesting that a mockup be done and both of these would be dependent on her approval at the town hall meeting

Mr. Touchette said I think that this would make your approval contingent on the mock up being done to the owner of McDonald's satisfaction.

Mr. Anderson replied that I don't think that you usually do it to the satisfaction of someone I am happy to do the mockup

Attorney Touchette said I mean that the mockup be done. Not that she agree with the mockup that the mockup be done.

Mr. Anderson said she has the right to come to the Town Board and try to get the Town Board to do something a little different.

Attorney Touchette said the point being if the mockup wasn't done then there is no approval by this board.

Mr. Anderson said that's not a problem

Vice Chairman Fortier said we have a first and a second to approve the types of signs that will be allowed any other questions call for a vote

Mr. Holtz yes, Mr. Bigelow yes, Mr. Stojakovich yes and Mr. Fortier yes.  
Motion carries 4-0

Mrs. Gregor said and also that it can be 300 feet within a residential zoning district or a church.

Vice Chairman Fortier said so we need a motion to approve a variance on it being allowed within 300 feet of a residential area.

Mr. Holtz said I would like to make a motion that it be allowed within a 300 feet of a residential area for this petitioner only this use only

Mr. Stojakovich seconded the motion.

Vice Chairman Fortier said we have a first and a second any other questions. A vote please

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

Mr. Anderson said I think that we have one more for the church.

Mrs. Gregor said in a residential area or a church can we amend it to include the church.

Mr. Holtz said you shown it was at 314 but technically under your ordinance it is from the property line.

Vice Chairman Fortier said can we have an amendment to the last motion to include the resident and the church

Mr. Holts said yes

Mr. Bigelow said second agrees.

Mr. Holtz yes, Mr. Bigelow yes, Mr. Stojakovich and Mr. Fortier yes.  
Motion carries 4-0

**Z2V1-0115 JULIENE COSTAKIS, PETITIONER & OWNER**, Located at 5400 Chase Street for a Variance from Dec. 21-77(3) to allow for a 960 square foot ( 24x 49) for a second garage (detached) in an R-1, Single Family Residential zoning district on 3.578 acres for additional storage of personal lawn equipment, furniture and parking of vehicles.

Hi Juliene Costakis I am petitioning to have a second garage or you call it a pole barn on my property.

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

Vice President Fortier asked if we have any questions from the board.

Mr. Holtz said a question for Dorinda. She also has a metal building with cars underneath would that

Mrs. Gregor said to me it looks like a shed but I don't know I haven't gone out to the site to look so I did see that there was another structure out there other than the house, the garage and the pool and then this new structure.

Vice Chairman Fortier said I have a question regarding for this petitioner only at this location only

Mrs. Gregor said if she were to move this Variance could not carry over to someone else. If you notice the garage is almost erected. So I am sure if an approval is granted tonight they will complete so it won't need to carry on to someone else.

Vice Chairman Fortier said I was just curious how that works

Mr. Touchette said once it is build

Mrs. Gregor said once it is build that is it. Once it is there. They will need to put a hard surface to the garage to the accessory building as part of the drive because that is part of the code so they will continually have to meet the code.

Mr. Holtz asked if they are putting concrete inside of it or just rock.

Ms. Costakis said right now it is just rock. My son is actually the one that is doing this but he is unfortunately back at school at Purdue he is an engineering student. Eventually I think that he would like to put concrete but right now he just has rock to park the cars in. That was his idea was just to store the equipment so it wasn't just sitting out in the yard and getting weathered and ruined looking junky.

Vice Chairman Fortier said it doesn't surprise me the he is an engineering student looking at how this is built so far

Ms. Costakis said thank you I will tell him that he probably went way above and beyond.

Vice Chairman Fortier said it isn't your typically pole barn where you dig a 6" hole and put a 4 x 4 into it. Which works because I have one. Any other questions from the board.

Mr. Bigelow said I would like to hear the response of the paving way back to that. Are you willing to hard surface that all the way back to the barn?

Mrs. Costakis said yes we didn't know that was required we were originally going to do rock to go back and black top it almost anyway I think that 20 feet is it or 22 feet right around it so we can blacktop it the rest of the way.

Mrs. Gregor asked if you want to open it up to the public anyway.

Mr. Stojakovich asked at any time are you planning on having electricity, water any type of utilities out to this and there will be no business run out of this garage or anything like that.

Ms. Costakis replied no just storage like snow blowers, tractors, leaf picker uppers.

Mrs. Gregor said that is part of your condition I didn't read them all.

Vice Chairman Fortier asked if there are any other questions from the board. Anyone in the audience that would like to speak for or against this petition.

Mrs. Gregor said if you remember some time last year about 4 houses to the north of this they did get an approval to get a variance to build a larger second garage on their property too. So when you have a lot of property you have a lot of maintenance equipment I guess.

Vice Chairman Fortier replied yes.

Mr. Touchette said they have more than 3 ½ acres and if this was 5 acres they would not need permission.

Mrs. Gregor said absolutely.

Vice Chairman Fortier said any other questions not seeing none can we have a motion on this request.

Mr. Stojakovich said Mr. Chairman I would make a motion to approve Z2V1-0115 with the conditions.

Mr. Holtz seconded the motion.

Vice Chairman Fortier said and with the conditions being.

Mr. Stojakovich stated the conditions that there be no business run out of this additional building and the driveway be completed according to code for this petitioner only at this location only

Mr. Holtz seconded the motion with the conditions.

Vice Chairman Fortier said we have a first and a second for approval. A vote

Mr. Holtz yes, Mr. Bigelow yes, Chuck Stojakovich yes and Mr. Fortier yes  
Motion carries 4-0

**Z3uV2-0115 LIFE POWER LLC, PETITIONER**

**MCCORMICK 107, LLC, OWNER**, Located at 8571-75 Louisiana Place for a Variance of use approval for an M-1, Limited Industrial zoning district for a proposed health and fitness training facility.

Hi I am Louis Gonzalez and this is my wife Imelda Gonzalez. We are looking to get approval it is similar to a Top fuel cross fit that is in Merrillville. They are in a industrial area. The reason I need that industrial space because we have equipment that is 12' tall as well as big tractor tires that we use for we flip them and I don't know if you guys know any of that stuff but looking to get approval for that area for using for that area.

Mrs. Gregor said if you want to open this up to the public first.

Vice Chairman Fortier ok.

Mrs. Gregor said or do you want me to read this first. I wasn't sure you open the last petition up to the public.

Vice Chairman Fortier said yes I did.

Dorinda read her staff report

Change of tape lapsed in recording.

Hours of operation are to be from 5:00am until 9:00 Monday through Sunday inclusive:

1. Personal training (one on one) is by appointment only and training last about one hour.
2. Classes may be scheduled from 5:00 A.M. until 10:00 A.M. and 4:00 P.M. until 8:00P.M. With no more than 10 individuals in a class lasting one hour
3. May hold seminars occasionally on Sunday's from 4:00 P.M. until 8:00 P.M.

Mr. Holtz made a motion to approve Z3V2-0115 for operations Monday through Sunday from 5:00am to 9:00pm. For this petitioner only at this location only for this use only.

Mr. Bigelow said he will make a second.

Vice Chairman Fortier said we have a first and a second motion to approve the Variance. Can we get a vote?

Mr. Holtz yes, Mr. Bigelow yes, Chuck Stojakovich yes and Mr. Fortier yes.  
Motion carries 4-0

Mrs. Gregor said you have two more meetings and I will let you know those dates. Town Council workshop and meeting.

**Z4V2-0115 LESLIE H LIESS, PETITIONER & OWNER**, Located at 6995 East 86<sup>th</sup> Court for a Variance from Sec. 21-77 (3) to allow 250 square feet added and included in the increased size of a permitted 864 square foot addition to an existing attached garage in an R-1, Single Family Residential

zoning district on 1.25 acres for personal storage of lawn equipment, vehicles and creating a personal work area.

Leslie H Liess located at 6995 East 86<sup>th</sup> Court Merrillville.

Vice Chairman Fortier said do you want to state what you want.

Mr. Liess said yes I am planning on purchasing an old time car and I have a motorcycle and other things. I have a few more toys in retirement than I had when I was younger and need a little bit more garage space.

Mrs. Gregor read her staff report. Driveway will require to be a hard surface for this petitioner only at this location only for this use only. All code requirements will have to be met no business to operate in the garage. This is the one that I received and had some concerns about the easement on the property and I reached out to Matt Lake who is our Storm Water Director and he stated according to the latest FEMA map and you have that information that I provided to you. The 100 year flood zone Z A is not within this property although we are planning to implement a drainage improvement for Ross Meadows Farms that is the name of the subdivision that Mr. Liess lives in later this year I would still recommend that the owner still carry flood insurance given the proximity to the drainage conveyance to the north and the wetlands locates just west of the property. I also attached a second map that includes the one foot contour lines for reference. So he didn't feel that the addition would encroach into any flooded area flood zone area but he is still recommending that you carry flood insurance.

Mr. Liess said I have been there 20 years and I have never had a water problem. It drains very well with the way we set the property up we have never had any problem.

Mrs. Gregor said well that is his recommendation so

Mr. Liess said this garage is going to be on the main grade. The other garage under the house now and it has never flooded so..

Mr. Touchette asked you are just coming off the end of your house then.

Mr. Liess said yes off the end and I am adding 3 walls. There is a walk up step that come off of the side they will come up into the garage. It is about 3 walls and 11 trusses the front will have brick to match the rest and there will be a single door in it and I am replacing the other 2 existing garages doors so they will all 3 be the same and the back will be white vinyl siding and white soffits and gutters so it will never even look like it was never there.

Mr. Holtz said so you say you are raising the garage.

Mr. Liess said my house is like a raised ranch ok so this garage will be at the grade level so it will come up on the side and be on top. It is not going to be dug in like the other part of the garage

Mr. Holtz asked so you are bringing more dirt in

Mr. Liess said no it is already

Mr. Touchette said there is a picture at the last page of the packet that you can see how it is going to come off the side.

Mr. Bigelow said if you look at the contour sheet that upper level is high enough that he could put a garage up there and not go under the house.

Mr. Holtz said the roof line will line up

Mr. Liess said no it will be down about 5 foot from the other one so you will have a gable and then you will drop down ridge and then another gable.

Mr. Holtz said so you will be tearing out the trees

Mr. Liess said yes the trees come out and then the drive will come off of the existing drive and go around up to it there.

Mr. Holtz asked are you tearing up all the retaining wall that you put up

Mr. Liess replied no it will stay because

Mr. Holtz said no I mean it looks like it was more out

Mr. Leiss said I have a turnaround pad out there further just after that we are going to come off the drive with a thing that goes around up to that garage door on that side. Then there will be a planter between the two because that retainer wall and then there will be a planter between the drive and there. That planter that is there now will stay there.

Mr. Bigelow asked what is the purpose of the other out building because I see another building

Mr. Leiss said that is down back by my swimming pool we have a pump pool, pump pool filter and I keep a tiller and tractor equipment there. It is just 14 x 20 single door on the one end opens just for the garden and the yard stuff.

Mrs. Gregor asked if that has ever flooded back there.

Mr. Leiss said I get a little water around it once in a while nothing never flooded inside that building. I have a little bit of a low area that would be between this garage and the lower garage well the dirt that is coming out when we dig the footings we are going to keep right there to fill that low area. We don't even need to haul any dirt away it will be fine. It will be built on regular footings and attached walls with standard building codes with 4 foot poured walls and floors.

Vice Chairman Fortier said so it will give your house the same appearance of the adjacent property with a garage off to the side of the house.

Mr. Leiss replied yes it will look the same it will look like it was never not built. It is all going to be built the same. I wanted it to match I don't want it to look separate.

Vice Chairman Fortier asked if there are any other questions from the board. Is there anyone in the audience that would like to speak for or against? Seeing none I would like to have someone entertain a motion.

Mr. Bigelow said Mr. Chairman I move for approval of with the conditions for this petitioner only at this location only and for this use only and all other code requirement will be met and it will get proper building permits through the Town.

Mrs. Gregor added no business to be operated

Mr. Bigelow replied yes.

Mr. Leiss said my business is retirement.

Vice Chairman Fortier said we have a motion

Mr. Stojakovich said I will second that Mr. Chairman

Vice Chairman Fortier said we have a first and a second to approve the Variance can we get a vote

Mr. Holtz yes, Mr. Bigelow yes, Chuck Stojakovich yes and Mr. Fortier yes.  
Motion carries 4-0

Mrs. Gregor said you will have to apply for your permits.

Vice Chairman asked if there is any other business. Seeing none

Mr. Stojakovich said I will make the motion to adjourn

Mr. Holtz seconded the motion

It was a unanimous voice vote

Meeting adjourned at 7:51 P.M.

Respectfully Submitted  
Janet Rosko

