

**MERRILLVILLE BOARD OF ZONING APPEALS**  
**MARCH 25, 2015**  
**6:30 PM**

The Board of Zoning Appeals meeting of March 25, 2015 was called to order by Chairman Minchuk at 6:30pm and led the group in the Pledge of Allegiance.

Chairman Minchuk said there aren't very many here tonight. I forget every meeting and I mean to bring it up. We still have to remember that are coming home and guys that are at home guys are having problems and the biggest problem in this country is PTS day and I am working on a project with Lake County. We have to keep remembering our veterans. Thank you I am sorry.

**ROLL CALL**

Members in attendance were Mr. Bigelow here, Mr. Ric Holtz here, Mr. Tim Fortier yes, Chuck Stojakovich is here and Mr. John Minchuk here. Staff in attendance was Dorinda Gregor, Attorney Touchette and Bob Csanyi of Robinson Engineers.

MINUTES: 01-28-15

Chairman Minchuk asked if everybody has had a chance to look over the minutes or is there any corrections

Mr. Holtz said she said some of the tape was missing everything else looked pretty good

Mrs. Gregor said we had a problem what is happening it is stopping and then it starts back up.

Mr. Holtz said he would like to make a motion approve the minutes from January 28, 2015.

Mr. Bigelow seconded the motion.

Chairman Minchuk said all in favor. Motion approved.

**COMMENTS FROM CHAIRMAN:**

Chairman Minchuk proceeded I will call the case by case number and name of the petitioners I would ask that you come forward state your name and address for public record at which time you will be given an opportunity to present your case accompanied by any professionals that you may wish to have. 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 devices, cell phones or pagers. We will appreciate it. Thank you.

COMMUNICATIONS: FYI: Letter dated March 13, 2015 from FAEGRE BAKER AND DANIELS.

Mr. Stojakovich asked Dorinda if she wants this whole thing read.

Chairman Minchuk asked if it was pertaining to any cases tonight.

Mrs. Gregor replied no it was just information that they have to legally notify the Board of Zoning Appeals and the Plan Commission in our office.

Chairman Minchuk do we have to put that in the record Mr. Attorney.

Mrs. Gregory said it is the adoption of a RESOLUTION of the Town of Merrillville Redevelopment Commission declaring and amendment to the Economic Development Commission for the Broadway Economic Development public hearing related to that. That is all it is referencing.

Chairman Minchuk said we don't need to vote on it then.

Mrs. Gregor replied no.

**OLD BUSINESS:**

None

**NEW BUSINESS**

**Z8E2-0315JAMES WITCZAK, PETITIONER & OWNER,** Located at 7900-7930 Whitcomb Street for a Special Exception approval in a C-2, Community Commercial Zoning district on 3.4 acres for a used retail vehicle sales facility.

Chairman Minchuk said please step up to the mike.

Mr. Witzak Good evening Zoning Board

Chairman Minchuk asked that Mr. Witzak state his name and address.

Mr. Witzak stated my home address 6601 Falcon Drive in Schererville 5 minutes away from the roller rink that I own.

Chairman Minchuk said I would like for the Councilman to speak at this time.

Mr. Goralczyk said I am the Ward 4 Councilman for the area and I just wanted to let you guys know that Mr. Witzak has taken this property from a blighted property and turned it into something that is decent out there. He has trimmed all the weeds out there. The building was looking in really bad shape the paint was peeling off of it and is all one color now. He has been an asset to the community as far as a business license that he has been bringing through the Clerk's office. This was a problem when it was the roller rink. It got sold through a land grant to a gentlemen and then what they did was having a teen club there and actually there was a lot of drinking that was going on patron's cars, there were a lot of beer bottles. They had police officers over there to direct traffic. We had police officers at the Speedway Gas Station because these people were stealing from the gas station. The teen club or the old roller rink is not there anymore. He had a mess over there. He has really cleaned the place up and it really looks nice. We are not having the booming music that we had before. It is an asset to the community and all I am asking for you guys go ahead and approve this. I don't have any problems with it. He has been a good neighbor there really got the place looking A-1.

Chairman Minchuk said I went by there when they had the teen club there when as an EMA Director to help direct traffic. We already know what you need go ahead Dorinda.

Mrs. Gregor read the staff report. If approved for this location only, for this use only and this petitioner only and all displayed vehicles must be on a hard surface.

Chairman Minchuk asked if there is anyone in the audience that would speak for or against except our councilman. Seeing none anyone here have anything to say. Board members.

Mr. Holtz said I saw there was a big garage door on the end are there repairs made there.

Mr. Witzak said no actually the far stall where the garage door is I have my Dad's boat and some of my stuff in there. It is just the stuff I use to keep the ground up so there is no maintenance. There is no maintenance on site.

Mr. Holtz asked who owns the driveway going into.

Mr. Witzak said I think that it was a joint when they split the house/ duplex that is there 7932-7934 when Reiner owner everything but I don't know if it was ever vacated or not I plowed it and keep everything cleaned for the neighbors. I am not sure who owns it on the Plot that I have the dividing line is actually going down the middle so I believe it is part of the means of the egress for the persons garage

Mr. Holtz asked are you going to fix the hole that is there.

Mr. Witzak said it has been fixed I patched that last year.

Mr. Holtz said I saw a big pothole by the curb.

Mr. Witzak said I know that there was one right in the center of the driveway and I had patched that before we had it resurfaced with sealer a two years ago. If there is another hole I have 6 bags of the asphalt that you can just put in there and drive over with your tires sitting in the garage I can fix it tomorrow.

Mr. Holtz said now all the cars are going to be shown on the outside and not on the inside.

Mr. Witczak said the way the dealers operate from the internet so it isn't like the cars up and down US 30 there is not going to be spot light and flags. They have a storage area for about 10 vehicles of the type that they sell these dealers are mom and pops are one person operations. They are not going to have 10 cars in inventory. The state requires that they have space for 10 cars but if they have one or two cars it is not going to change any different that what it is now. I can't see anybody having more vehicles there the only thing that is changing they are no longer going to be wholesale they are going to be retail and they are going to be required to be in the office and the records will have to be stored in the office. Part of the bad applies that made the wholesale license go away is not of the records were stored there so when a state inspectors would come in there was nothing there. They are clamping down on the administrative part of the dealers.

Mrs. Gregor asked would you agree to put a condition no repairs of vehicles on site.

Mr. Witczak said not at all because it takes away from my visual of what I put in the property. We work on it little by little. We started on the side that is to the south of the building and done all those trees and everything. The guy that owns Lake Mortgage came up and said this property looks great because his property backs up to mind and he actually thanked me for what we are doing. It is just me my father and my brother.

Mr. Goralczyk said when he first took over the place you couldn't even see Broadmoor Apartments that is how much he has taken away you can actually see the parking lot and the buildings now at Broadmoor. It was so overgrown over there you couldn't even see Broadmoor.

Mr. Witczak said I did plant 50 arborvitae along the parking lot to help break up the view so people driving down Whitcomb Street you don't really see the cars some of the trees died over the winter I have called Menard and they have them on order so as soon as spring comes I will dig the old one up and replace them. I don't like doing things. If I am owning it it is going to look clean and nice and I want to be a good neighbor.

Chairman Minchuk said it looks better than when I seen it when it was the roller rink it was a 100% difference.

Mr. Fortier asked all of your dealers will have Indiana license.

Mr. Witczak said if they currently have an Indiana license they just need to make the transition from wholesale to retail they have the Town License, they have the registry retail Merchant license. The IRS EIN numbers. So they are fully pledged. They have to collect the sale tax so all of that money is being generated.

Mrs. Gregor said in our office there is a charge.

Chairman Minchuk asked if there are any questions on this site.

Mr. Bigelow said they answered all my questions.

Chairman Minchuk said Mr. Goralczyk next time before you speak ask permission please. I may not be Chairman next week.

Mr. Goralczyk stated nice working with you John.

Chairman Minchuk said seeing none from the audience pros or cons. I would like to entertain a motion

Mr. Holtz said I would like to make a motion to approve Z8E2-0315 for this petitioner only, for this location only for this use only and it is not to have any cars being repaired there.

Mr. Stojakovich seconded the motion

Chairman Minchuk ask for a roll call

Robert Bigelow yes, Mr. Ric Holt yes, Mr. Tim Fortier yes, Chuck Stojakovich yes and thanks for cleaning the place up and John Minchuk yes.  
Motion carries

Chairman Minchuk said see Dorinda

Mr. Witczak said I had a Pre-planned vacation and hotels that can't be cancelled. I had a Town Council Meeting. I am basically gone from the 13<sup>th</sup> through the 19<sup>th</sup>. My Father can be at the meeting if that is required.

Chairman Minchuk said Mr. Attorney can his father do that

Attorney Touchette replied sure I don't know why not.

Councilman Goralczyk said I know what is going on and he just wanted to let Dorinda know. He still wants it to move forward. So his Father is going to come and represent it that day.

Chairman Minchuk asked if you want to take them both at the same time or one at a time.

Mrs. Gregor said we can discuss them together and vote on them separately.

**Z9uV4-0315 JOHN DEWITT, RAY'S MOVERS, INC PETITIONER & OWNER,** Located at 6490 Broadway for a Variance of use approval in a C-3, Highway Commercial zoning district on 9.80 acres for a proposed trucking, moving and U-Lock storage facility.

**Z10E3-0315 JOHN DEWITT, RAY'S MOVERS, INC., PETITIONER & OWNER,** Located at 6490 Broadway for a Special Exception approval in a C-3, Highway Commercial zoning district on 9.80 acres for a proposed rental of trucks and trailers

My name is John DeWitt resides at 1417 North Woods Street in Griffith, Indiana. Do you need more information from me?

Chairman Minchuk said whatever you want to bring up. We will have Dorinda read her staff report. I don't know about the rest of you here but Chuck and I everything was terrible to look at. It was waiting for a fire and would go up like a match stick that is what I heard from the fireman. Everybody was scared that it was going to burn down. There was really nothing good there for a long time. If you want to bring up more stuff your fine and we can let Dorinda read the staff report.

Mrs. Gregor said there was a meeting last night Redevelopment Commission meeting Tom where you there. I wasn't

Councilman Goralczyk replied I was not at the Redevelopment I was just at the Council meeting.

Mrs. Gregor said can you speak about that.

Mrs. Gregor asked Mr. DeWitt if he wants to discuss

Mr. DeWitt replied we are doing a lot in the building right now it is all boarded up but that is because NIPSCO is making us do a redesign of the electrical for the whole building. The water department wants some updating as well as the sprinkler system so we are in the process of doing that too. We have it boarded up so people aren't going in there. Enough has been stolen already. The other day we were removing some mechanical and put it in the front and that was gone.

Mrs. Gregor asked what happened at that meeting last night.

Mr. DeWitt said we got a grant for the facade to fix it up and we are actually get design work for the front for a designer a metal man to make it look really nice. We don't have the spec or the design work for the front of the building yet but when we do.

Mr. Stojakovich asked you received a grant from who.

Councilman Goralczyk replied the Redevelopment Commission. It is a facade grant for the front of the building. I was not at the meeting. But I just would like to say that is something that might make the north part of town proposing. This building has been vacated for at least 15 years. It has been an eyesore to the Town. We have another business at 53<sup>rd</sup> and Broadway Save A Lot Foods is coming in here know and I think that it is going to be an asset to us for any approvals you have for him. I just wanted to speak and say it is a good project and I am all for it.

Mr. DeWitt said we have already started to do a lot of work. The roof has already been torn off and I am sure it will be done by next week and also we have gone through the old bushes in the front and just clean up around the fence line. Just to clean it up a little. We have more work but a little at a time. You had stopped by earlier today and we were tearing down and old building. I think that we are on our 15<sup>th</sup> dumpster. We have done quite a bit of clean up. It still doesn't look pretty but

Chairman Minchuk said you have made it look good since Handy Andy that was when I first moved here. Probably 1980's.

Mrs. Gregor read the staff report. That is referencing the next petition. If approved for this petition only, at the location only for this use only. Parking of semi's , trailer, trucks and outside storage of boats RV'S etc on a hard surface.

Chairman Minchuk said we will read the next one but before we do. Next door Dairy Rich has a whole bunch of semi's back there and I am sure that Pruzin's is very happy at least they will have it cleaned up.

Mr. Dewitt said I think that it will bring a whole lot to the community and jobs as far as new retail in the future. So a long as we can clean it up.

Mrs. Gregor read her staff report. The same conditions as the previous petition.

Chairman Minchuk asked if anyone had any questions.

Mr. Bigelow said I have several questions are you going do you actually have 30 semi-trailers that you are going to be parking at this lot. .

Mr. Dewitt replied most of my trailers are at drop locations. We have 30 trailers but in Griffith at our location right now there are about 10 parked there. We have set accounts with other customers that we leave them parked in their properties.

Mr. Bigelow said in looking at this property I can't envision there would be room west of that building to park 30 trailers plus 12 tractors.

Mr. Dewitt said believe me there is plenty of room I was doing measurement back there.

Chairman Minchuk said have you actually gone down there to look at it. On the southwest side if you look back they are taking all the sheds down. If you look at Dairy Rich next door they have tractors and trailers

Mr. Dewitt said it is about 112 feet along the fence line. It is almost an acres where you can double park trailers back there.

Mr. Bigelow said I was figuring out the square footage for the trucks and I was coming up with 26,000 square feet and that allowed no maneuvering room at all that was just physical trucks in there and if I look from the back of the building to the west I don't see enough room to be able to put that many trucks that was the reason for my question. The other question do you plan to pave anymore back there.

Mr. Dewitt said in the future probable not right now any paving just clearing up it is overgrown on the asphalt now.

Mr. Bigelow asked what kind of condition is the old retention pond in back there. That was put in way back when and I am not sure that it meets town water ordinance any longer.

Mr. Dewitt said I don't know what the condition it is in right now. We have been in trying to clean up the garbage right now and work our way back there. But as far as the drain system with the snow melted it went right down the drain. Some of the drains where filled with mud and weeds were growing out of it and we have checked the flow and it is flowing nicely.

Mr. Bigelow said ok so everything is going to that pond out back and not overflowing on to anyone else.

Mr. Dewitt said I believe actually that it doesn't even go to that pond. That retention pond I believe is an over flow all that actually goes through the system goes to Turkey Creek. I have a survey I think that Dorinda has it there.

Mrs. Gregor said they all have it in the packets.

Mr. Dewitt so if you look at the plat of survey it all goes to the center of the north part of the property and goes out the storm sewer systems into Turkey Creek.

Mr. Bigelow said looking at this it shows a line from that detention pond and then heading out to the creek that is the whole reason for a detention pond to hold the storm water on site first before it runs off to Turkey Creek.

Mr. Dewitt said there is no water in there now. All that snow melted and I talked to the owner of who used to be the owner there of Dairy Rich and he told me he has never seen water in the pond once in 30 some years that he has been around it at that location there.

Mr. Bigelow said in other words that pond is not doing us any good to slow down water going out to Turkey Creek. Basically useless right now.

Mr. Goralczyk said now you are going to have to remember that was approved before the Town was established as far as him making any new improvements like that then he would have to come to the storm water and say that he was putting more pavement down and then he would have to go through the approval process of the storm water to bring it up to the ordinance of that..

Chairman Minchuk said there is a Storm Water man right there.

Mr. Csanyi said that would mostly be going through Matt Lake. If he were contemplating any changes we would have to look and see what your plans are. Maybe this is an area too that we should take a look at and

Chairman Minchuk said from what I that would be his responsibility because in the back of that I think that the pond belongs to the Town of Merrillville and like Dairy Rich hasn't seen anything in 30 years something is wrong it isn't doing its job. We have a building there that has been an eyesore for a long time and nobody has ever cared about the weeds in the back and if we can get somebody to take over these blight places that we have had I am all for it like I said. As far as repaving everything like our Councilman said he has to come back before Dorinda and the BZA.

Mr. Goralczyk said I am sure the Mr. Dewitt would work with Matt Lake or whatever as far as what he needs to do over there as far as but that is not the issued that is before us at the time.

Chairman Minchuk said it has never been an issue before now. Anybody else.

Mr. Bigelow said that answers all my questions that I have at this time.

Mr. Holtz said there will be nothing stored on the north side right you said as far as boats.

Mr. Dewitt said probably employee's cars. There is a parking lot all the way across there. Are you talking about out front?

Mr. Holtz said so the storage of boats and RV's would be inside

Mr. Dewitt replied inside or in the back.

Mr. Bigelow asked if the back is fenced.

Mr. Dewitt said the whole property is fenced but there are a few spots that we noticed that we have to clean up in the very back. Someone was telling me that some kids were

Mr. Goralczyk said the kids are riding dirt bikes and 4 wheelers back there. Some of the fencing is knocked down in the back that he has to address to get straighten up back there so he doesn't have anyone trespassing back there. His property backs up almost to Harrison Street.

Mr. Stojakovich said also there is a lot of deer hunting going on back there too.

Mr. Goralczyk asked there is no tap in fees here are there.

Mr. Stojakovich said you have already been to my office months ago

Chairman Minchuk asked if there are any other questions.

Mrs. Gregor said Mr. Dewitt is aware if he does pave any area on the property he will have to obtain a permit and once that permit is enter in to our computer system it will have to be reviewed by the Storm Water and Engineer if there is a problem then he will address that then

Mr. Touchette said would that apply if he is only maintaining pavement that has already been there.

Mrs. Gregor said if it is a problem to any of the adjacent neighbors. Matt and the Town engineer can go out and look at it

Mr. Goralczyk said if he repaved the parking lot it would be him just pulling up the pavement.

Mr. Touchette said you can do what you want with the existing it is just the expanding

Mr. Dewitt said it was like a forest driving through the parking lot.

Chairman Minchuk said I appreciate all you have done there and are planning to do. I look at that every day that I go by it and think any day it will go up in smoke. Can I entertain a motion please?

Mr. Fortier said Mr. Chairman I would like to make a motion to approve case Z9uV4-0315 for this petitioner at this location and for this use only.

Mr. Holtz seconded the motion.

Mr. Robert Bigelow yes, Mr. Ric Holtz yes, Mr. Fortier yes, Mr. Chuck Stojakovich yes and Mr. Minchuk yes.

Motion carries

Chairman Minchuk said we have one more to do which would be Z10E3-0315 that is the second petition on trucks now do we have any question on that.

Mr. Holtz said the only question that I had was I know that when we had the petitioner on 61<sup>st</sup> Avenue renting trucks she wanted to put trucks out front.

Mrs. Gregor said yes in front but that wasn't the property of the PUD

Mr. Holtz said ok

Mr. Goralczyk said that was the home and the storage units were two different parcels. So they wanted to store the trucks up front to advertising them but that wasn't actually proper.

Mr. Fortier said that was off site advertising.

Mr. Holtz said Budget and U Haul on Rt 30

Mrs. Gregor said I don't know if he is running that operation anymore.

Mr. Holtz said I guess my question is when you say out front how far out front. All the way to Broadway

Mr. Dewitt said I don't want to have too many up there because it is important to me is that it is clean looking I may have one or two closer to the street but they wouldn't be larger ones they would be smaller ones for advertising the rest of them would be in the back or side over there.

Chairman Minchuk said the south or southwest

Mr. Stojakovich said beside the trucks being advertisement do you have any future plans for advertising signage.

Mr. Dewitt said because it has a sign pole there we took out the Mega Mart but besides that possible something on the building itself.

Chairman Minchuk said please check with Dorinda before you do anything about the signs.

Mr. Dewitt said a friend of mine said be careful what you do because every time you turn around it will be another \$1,000.00 in price is there.

Chairman Minchuk said ok on the second Z10E3-0315 can I get a motion please.

Mr. Holtz said I would like to make a motion to approve Z10E3-0315 for this petitioner only at this location only for this use only.

Mr. Bigelow said second.

Chairman Minchuk asked for a roll call please

Mr. Robert Bigelow yes, Mr. Ric Holtz yes, Mr. Fortier yes, Mr. Chuck Stojakovich yes and Mr. John Minchuk yes.

Chairman Minchuk said approved. Please check with Dorinda. I would really like to thank you for what you are doing there. Even though you are from Griffith Welcome to Merrillville.

Mr. Dewitt said we are going to be long term.

Chairman Minchuk asked if there is any other business a motion for adjournment.

Mr. Fortier made a motion to adjourn

Mr. Ric Holtz seconded the motion.  
Motion was unanimously approved

Meeting adjourned at 7:15 P.M.

Respectfully submitted by  
Janet Rosko