

MERRILLVILLE BOARD OF ZONING APPEALS
JUNE 24, 2015
6:30 PM

The Board of Zoning Appeals meeting of June 24, 2015 was called to order by Chairman Minchuk at 6:30pm and led the group in the Pledge of Allegiance.

ROLL CALL

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

Chairman Minchuk proceeded I will call the case by case number and name of the petitioners I would ask that you come forward state your name and address for public record at which time you will be given an opportunity to present your case accompanied by any professionals that you may wish to have with you. After that we will have the open the case for further comment. If you are desirous of speaking for or against any case we ask that you please sign in at the registry in the center of the 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.

MINUTES:

None

COMMUNICATIONS:

OLD BUSINESS:

Z15V6-0515 JAMES STREZOVSKI, PETITIONER

STROJAN STREZOVSKI, OWNER, Located at 7200 Broadway (Lot 1 Union Park) for a Variance approval from Sec. 21-192 (6) & (6)a 1, and Sec.21-193 to allow a billboard sign to be located within 300' of a residential zone and for having frontage within 300' of any property being used for a public park, etc., and a variance approval from Sec. 21-192c.2 to reduce the 1,980 foot distance requirement from another billboard sign in a C-3, Highway Commercial zoning district for a proposed two (2) sided 10.5' x 36' tri-wave and/or digital (LED) billboard sign.

Z16uV5-0515 JAMES STREZOVSKI, PETITIONER

STROJAN STEZOVSKI, OWNER, Located at 7200 Broadway (Lot 1 Union Park) for a Variance of use approval to allow a digital (LED) message center on a billboard sign in a C-3, Highway Commercial zoning district for a proposed two sided 10.5' x 36' tri-wave and/or digital (LED) billboard sign.

Good Evening I am James Strezovski I reside at 415 Willshire Ct in Valparaiso I am here tonight to come before you for a billboard sign located at 7200 Broadway. To give you a little bit of history my family has owned the property adjacent to this property for about 30 years and we have just acquired the property at 7200

Broadway from the Town of Merrillville. That property consisted of an old delated building that has been and eye sore for the town and along Broadway corridor for the last 10 years. We were successful in a bidding process and we were the successful bidder and hence purchased the property. One of my stipulations of purchasing the property was to tear down the structure within a 90 day period we did so within 5 days of taking ownership of that property. We have also cleared numerous trees and debris and stuff like that from that property it is zoned C-3 and allows for a billboard structure. We are here today seeking a Variance for being close within 300 feet of residential homes or a park property and as well as being 1,980 feet of a billboard. Any questions so far.

Chairman Minchuk asked Dorinda to read the staff report.

Mrs. Gregor said of course this was deferred for 30 days from last month and because I did advertise it in correctly so it had to be re-advertised correctly this time.

Please vote on variances separately and if approved for this petitioner only for this use only for this location only.

Chairman Minchuk asked if there are any questions.

Mr. Strezovski said I would like to show you a mock picture of kind of what we are proposing to do if I may. That is just a mock picture of what the sign would go and also a mock picture of a Union Park sign that we would erect as well and that is just a mock version of what it would look like.

Mr. Fortier asked in your mock picture how close are you to these power lines.

Mr. Strezovski said I think that there is a 35 foot setback I believe from the street.

Mr. Fortier said the only thing that would be on this property would be a sign.

Mr. Strezovski replied currently yes.

Mr. Fortier replied currently what are intentions for the property later on.

Mr. Strezovski replied we are in the midst there is another building at 7150 Broadway that used to be my Mom's deli. It is getting to be a deplorable type of building as you well know demolition costs are very expensive and I am kind of saving money for to demolish that building as well and so that way it will be a nice looking piece of property that eventually may be 5 years down the road. Now with both properties combined we have 1.2 acres of land there so it goes back to almost 300 feet off of Broadway.

Chairman Minchuk said Dorinda do we know from NIPSCO if that is too close to the lines or not.

Mrs. Gregor replied I don't however the nearest edge of the sign does have to be 10 foot off of their property line. So I

Mr. Strezovski said this is just the way the picture is taken it is kind of a 3-D image kind of looks like it is sitting right on top

Chairman Minchuk said oh no there is a limit any metal structure has to be away from the power lines.

Mr. Strezovski said that would be met yes.

Mr. Touchette said I have a question. One of the things that you need to show legally to get all 3 of these variances is to strict application of the terms of the zoning board will result in practical difficulties in the use of the properties included in the proposed variance and because of ok. Now you say that you have submitted proposed petition you say the reason you would have practical difficulties in using this property without these variances is the property in question is ideally located in a C-3 Commercial zone area and the placement of the billboard sign would be a good use of this property as pertaining to the adverse conditions of this property in its former state of disrepair and blight want to continue to improve 73rd and Broadway corridor through the town of Merrillville. I don't really see you removing that building has anything to do with this request of this use of the property. It is my understanding that you bought this property from auction from the Town and that one of the conditions of anyone that would purchase that property at auction from the Town was that they would have to tear down the building that was on it so I assume that the price that you paid for the property reflected the fact that you would have to incur the demolition costs or anybody else would so and as far as this being and ideal place for a C-3 for a billboard sign that doesn't speak to the practical difficulties for the use of the property. I think that you just said it that you intend to do something else with the property other than put a sign on it.

Mr. Strezovski said at the auction I was the only bidder for that property had I not been there that property would still be in their hands.

Mr. Touchette said never the less that was the condition of anyone that purchased it ok and you did purchase it and that was the condition so and that was a good thing that you tore it down that is a positive thing the day you acquired that property and I am assuming because you acquired that property you were wanting to ultimately combine it to use with the property the one to the north that you were just speaking About.

Mr. Strezovski said to possibly put a car lot there.

Mr. Touchette said ok well I don't see where this sign that you have shown you need it so you can use the property for something else. That is kind of what you are required to show here that I need to put a sign here because I can't use it for anything else. I can't build on it or do anything with it but I can put a sign. But you haven't made that shown. It is just my observation.

Mr. Fortier said that was the heart of the first question that I asked you was what are your plans for the property. So you do have plans for the property.

Mr. Strezovski said that might be one of them. We may be looking at like 5 years out from now. It is kind of hard to find someone I am not really too much of a car salesman to find someone that is going to operate like that.

Mr. Touchette said I know that there have been other sign request before this Board of Zoning appeals since I have been around they have always been very

particular maintaining the spacing distance of the signs even on I 65. This is right in the heart of the Town. There is one billboard sign up there already.

Mr. Fortier said we have questioned a 50 foot difference on signs in spacing and we are looking at half 600 feet versa 1900 feet.

Chairman Minchuk said there is right next door buildings that people are living in.

Mr. Fortier said exactly we also have a park variance that we are looking for. A residential, distance variance we are looking for. Maybe it isn't the right place for a sign when you are looking for all those variances.

Chairman Minchuk said the park is fine. Any other questions.

Mr. Strezovski said I have a letter from Mrs. Miano to give to you guys.

Mr. Touchette said you want to read that

Mr. Stojakovich said this letter is dated June 3rd, 2015.

Ladies and Gentlemen of the Town of Merrillville Board of Zoning Appeal's. This letter is in response to this variance petition for all the off premise signs located approximately at 7200 Broadway in my Ward in Merrillville. Mr. Strezovski has done the Town great service by demolishing the old abandoned house at 7156 Broadway and cleaning up the property. I would like to express my thanks for cleaning up this property and my support for Mr. Strezovski' petition for an off premise billboard sign. I believe this location suitable for this use and I respectfully ask that you approve the petition.

Truly yours

Carol Miano

Merrillville Town Council Woman

Chairman Minchuk asked if there are any other questions. Anybody in the audience for or against. Please step up.

My name is Elizabeth Scott I reside at 15 W 71st Pl my property is adjacent. Where the sign would illuminate our whole backyard. My son's bedroom is back here and I don't know how he would ever sleep. The previous owner of that property would come and mow at night 10:00pm and shine the lights in there. It didn't work very well.

Chairman Minchuk said when you had the previous problem did you ever call the Merrillville Police.

Mrs. Scott said we called the police and they said because it was before 10:00 pm that she was allowed to be out there. We said it is coming through our fence and they said there was nothing they could do because it was before 10:00pm. So we have had problems with lights before and this would shine right into our backyard and we like to sit back there and relax at night. Company over and this would just illuminate our entire backyard. I brought pictures if you would like to see them.

Mr. Fortier said that is why we have set distance requirement for these signs.

Mrs. Scott showed the pictures of her son's bedroom, etc. to the board.

Mr. Fortier said so for an adjacent property owner are you for or against this.

Mrs. Scott said yes I am against this.

Chairman Minchuk said ok it has been duly noted and we are going to go on. Anybody else in the audience that is for or against. Any more questions. Seeing none I would like to entertain a motion.

Mr. Fortier said I would like to make a motion to decline Z15V6-0515 for variance approval for sec. 21-192(6) & (6)a.1

Bigelow seconded the motion.

Chairman Minchuk said now that will go into the second one too. The proposed tri-wave and LED.

Mr. Fortier said they have to be voted on them separately.

Mr. Touchette said the 2 300 foot rules and 1 for residence and 1 for parks.

Mr. Bigelow yes on the motion, Mr. Holtz is absent, Mr. Fortier yes, Mr. Stojakovich stating the response from the residence and the ordinance of the number of feet from the sign Mr. Stojakovich is going to vote in favor of the motion, Mr. Minchuk yes for the same reasons.

Chairman Minchuk said for the next variance Z16uV5-0515. Do we need to go through the whole thing again?

Mrs. Gregor replied no. We have two more variances on the first petition.

Mr. Touchette said I think that Mr. Fortier's motion covered 2 of those.

Mr. Fortier said it covered Sec 21-192 c. 2

Mr. Touchette said it covers those two, Sec. 21-192(6) & (6) a.1. and Sec. 21-192 c.2.

Mr. Fortier said we did those two.

Mrs. Gregor said now we have to do the other one.

Mr. Touchette said I think that c-2 you did not mention

Mr. Fortier said correct

Mr. Touchette said c-2 is the 1,980 foot distance requirement.

Mr. Fortier said we have Sec 21-193 to allow billboard to be located within 300 foot of residential.

Chairman Minchuk said 21-192c 2. to reduce the 1,980 foot distance is that the one we are talking about now.

Mr. Fortier said we did Sec 21-196 (6) & (6) a.1 and now I would like to make a motion to deny the variance for 21-193 to allow a billboard to be located within 300 foot of residential zoning.

Chairman Minchuk asked if we could have a second.

Mr. Bigelow second the motion.

Chairman Minchuk called for a roll call vote.

Mrs. Gregor said and the park.

Mr. Fortier said and the park sorry I didn't finish reading it.

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

Mr. Fortier said in continuance I would like to make a motion to deny 21-192 c.2. to reduce the 1,980 foot distance requirement for another billboard sign in a C-3 Highway Commercial zoning district

Mr. Bigelow seconded the motion

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

Chairman Minchuk said my only question if we denied this then why should we even have to go with the case Z16uV5-0515. You can't put up a sign if you don't have a variance.

Mrs. Gregor said that is right but it will still move forward to the Town Council.

Chairman Minchuk it will.

Mr. Touchette said the ones that you just voted on will not.

Chairman Minchuk said but this one will. Ok I appreciate it.

Mrs. Gregor said with denial of the first one of course

Mr. Fortier said it will cancel that one out.

Chairman Minchuk said it only makes sense. We will go to Z16uV5-0515

Mrs. Gregor read the staff report. Of course this is a companion to the other. If approved for this petitioner only for this use only at this location only. If was advertise so you will have to ask if there are any remonstrators.

Mrs. Elizabeth Scott I live at 15 West 71st Pl Merrillville and I would not like to have this in my backyard.

Chairman Minchuk said thank you Mrs. Scott. Board members

Mr. Bigelow said Mr. Chairman I would like to move to deny case number Z16uV5-0515.

Mr. Fortier seconded the motion.

Chairman Minchuk asked for a roll call.

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

Chairman Minchuk said it will move on to the Town Council. Check with Dorinda and she will advise you has how the next step.

Mr. Strezovski said then I need to make a visit to your office then.

Mrs. Gregor relied yes.

Chairman Minchuk said the next case under new business.

NEW BUSINESS

Z21V9-0615 RAMON MORALES, PETITIONER AND OWNER, Located at 5440 Georgia Street for a Variance approval from Sec. 21-137 to reduce the front yard setback from 30' to 20' in an R-2, Single Family Residential zoning district for a covered deck/porch for safe access into home, enjoyment and enhancement of façade.

My Name is Mrs. Morales and I live at 5440 Georgia Street and all we want is a covered deck.

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

Chairman Minchuk asked if there are any questions

Mr. Fortier asked if the covered porch is going to be enclosed.

Mrs. Morales replied yes

Mr. Fortier said so no one will be residing in there.

Mrs. Morales replied no.

Mrs. Gregor said if they were going to enclose it they would have to come back because it is livable space. For this use only a covered porch only.

Mr. Touchette said Mrs. Morales you included a drawing with your petition so this is the way it will look when it is constructed.

Mrs. Morales said everything is falling apart outside.

Chairman Minchuk asked if there is anyone for or against in the audience seeing none can I get a motion please.

Chuck Stojakovich said Mr. Chairman I would like to make that motion that we do approve Z21V9-0615

Mr. Fortier seconded the motion.

Chairman Minchuk asked for a roll call vote.

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

Mrs. Gregor said you can apply for your permit.

**Z22V10-0615 M.V.P. FOODS LLC., dba SAVE-A-LOT FOOD STORE
PETITIONER**

GARY NATIONAL BANK TR TR P-3823 OWNER, Located at 5420 Broadway for a Variance approval from Sec. 21-192 (1) a. and Sec. 21-192 (1) d. to allow a second freestanding sign located in a business plaza/center in a C-2, Community Commercial zoning district to have the availability to provide visibility and to complete in advertising products as other local stores.

Good evening my name is Todd Ensign I am the owner of the Save food Store at 5420 Broadway and I am here to request a variance for a marquee at the road side of 5420 Broadway for the same reasons that you stated.

Mrs. Gregor read her staff report. All other sign codes requirements must be met before issuance of sign permit. If approved for this petitioner only at this location only for this use only.

Chairman Minchuk asked if there is anyone that would like to speak.

Good Evening I am Mr. Hardaway councilman for Ward 4. I stand before this you evening to support this sign primarily because there is an existing store now Ultra that sits at 61st and Broadway and within the near recent future store in the old Ultra building on the other side of Broadway and I would like for Save-A-Lot a level playing field when it comes up with the rest of these stores since he has been open down there he has added nothing but the quality of life for the residence down there and the residence of Merrillville and I think that it is very important that he be able to advertise his sales as Ultra now does and possible the other store when it opens it will do the same thing so I just stand before you this evening to give him great consideration so when he has a sale he will be able to advertise those on the billboard and that maybe will entice more people to stop in and visit his facility. Thank you.

Chairman Minchuk said thank you Councilman Hardaway.

Mr. Fortier asked is it a lighted sign.

Mr. Ensign said yes.

Mr. Bigelow said Mr. Chairman I have one little problem with it if you are going south bound on Broadway that would preclude the visibility of the existing sign if this one was put in place there. They already have a fairly large that is on the

existing sign for that building. There is no room for advertising specials on that sign but it would block out the view of the other tenants of that shopping mall. With that sign being there the other tenants are below the Save-A-Lot sign and this would be in direct line if you are trying to see it if you are going southbound from Broadway.

Chairman Minchuk asked if he had an answer to that Sir.

Mr. Ensign said that is a single pole structure so I believe you would be able to see the other sign and it sits back far enough I don't think it would be a significant look reduction in visibility.

Mr. Bigelow said looking at your pictures it is only 10 feet above grade and it looks like it is in the same line of the existing sign that is out there. That 10 foot you can see under but that still will block particularly on the curve land that would normally be turning in there. Would there be some way that you could work with the developer of that whole site to be able to give you a different amount of space on the existing sign.

Mr. Ensign said I did make that request and it was denied. They believe that since I came in there they believe that mall and I do too is going to flourish development there and they won't give me any additional.

Mr. Touchette asked if the other tenants are aware that you are putting up this sign.

Mr. Ensign said I did do the mail out to make everybody aware that we were making this request today.

Mr. Touchette said I know that we had another sign going up and the things that we asked the person putting up the sign you place and you probably don't know where your putting the sign can you make sure that it doesn't block the other people.

Mr. Ensign said what I can do is to make a request to the landlord to set it back some. We are taking an existing parking space that is not used very often so we have some leave way with that.

Mr. Touchette said it looks to me like you could situate so that you wouldn't be blocking.

Mr. Fortier said and how much property north do you have of that. Could you move it further north also?

Mr. Ensign said I hadn't really thought about it. I went out and walked it out and looked at what I thought would be an Ideal space for it. So I hadn't really considered what you are asking me but I can look at it.

Mr. Hardaway said I think the further north you go you start to encroach other lot.

Chairman Minchuk said that was what I had mentioned before.

Mr. Hardaway said you start a little further north.

Mr. Fortier said I am not sure where the property lines are on the parking lot. Chairman Minchuk said there is a business there on the corner. If you went further north you would be infringing on that business.

Mr. Hardaway said there are 3 owner in that area. There is the bank building, the owner of the northern part of that. The southern half of that is where the historical is. There are 3 different owners down there in that area.

Mr. Fortier said we will have to be careful that all the owners in that area make the same request then we will have a sign upon a sign.

Chairman Minchuk said I am sure you can make better arrangements with the other owner there you can figure something out. You can move it a little bit so that the other sign can be seen. I am sure there is not going to be a problem with that. I really, really trust you to do that sir.

Mr. Ensign said I would never try and hurt anybody.

Chairman Minchuk said I understand that but we have been lied to many times. I trust that you will do that and I am sure Mr. Hardaway will look back on it and make sure it happens too.

Mr. Touchette said I think that your store would draw a lot of business in for the other tenants.

Chairman Minchuk asked if there are any more questions from the board. Seeing none could I get a motion please.

Mr. Fortier said I would like to make a motion to approve the variance on case number Z22V10-0615 for this petitioner, for this location and this use only.

Mr. Stojakovich second the motion for the simple fact of bringing that store there I want to commend you. Like Mr. Hardaway said you have really upgraded the status for the people there and you have given them somewhere to go. They have a choice now and from I hear you are doing pretty great there and I hope that you continue to.

Mr. Ensign said it is a blessing for us to be there. Thank you for your kind words

Mrs. Stojakovich said I think that this is a positive thing for the Town of Merrillville.

Mrs. Gregor said I think that with this grocery store it is an excellent anchor as Mr. Ensign stated and hopefully it will draw other businesses to that plaza.

Mr. Stojakovich said I have seen some of your advertising pamphlets and they are right there.

Mr. Ensign said this doesn't have anything to do with my request but the associates that we have hired there are extra ordinary. It is extremely pleasing to me to have the quality of people that we have in our store. It hasn't have anything to do with my request since we are talking I wanted to mention that.

Chairman Minchuk said I agree with Chuck and everybody. A lot of the business are going in and out of there. We had our Merrillville Police substation there and it didn't work out and this going in and out. Actually I go by there quite a bit and I know that Mr. Hardaway doesn't want to hear this but with the EMA we go through there a lot and I noticed that something's were deteriorated but when you can in it stated to come back and I really like seeing that. People taking our town from the bad spots and turning them into good spots. Roll call vote

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

Mr. Ensign thanked them for their consideration.

Mrs. Gregor said come for your permit

Z23v11-0615 RAPP, PETITIONER AND OWNER, Located at 9194 Baker Street for a Variance approval from Sec. 21-137 to reduce the rear yard setback from 30' to 19' and to reduce the side yard setback from 6' to 4' in a R-3, Two Family Attached Residential zoning district for the construction of a 4 season sunroom addition to a duplex unit.

Hi Cliff Rapp located at 9194 Baker Street Merrillville. We are just seeking to have a professional built addition to our house.

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

Chairman Minchuk asked any questions.

Mr. Bigelow said I have one question. How is it going to impact the shed in your back yard that is in violation of our ordinances that is sitting in a utility easement?

Mr. Rapp said I have had the shed moved 15 feet away from there now so it is actually closer to the street than it was before.

Mrs. Gregor said I have need to address that issue even if it is moved that shed is not legal because now you have placed in the front yard. You have two front yards you live on a corner lot so your shed is really illegal. The shed has to be 10 feet away from any principle structures.

Chairman Minchuk asked if there was a permit on the shed.

Mrs. Gregor said that shed is illegal because now you have it placed in the front yard you have two front yards because you live on a corner lot. So your shed is really illegal. The shed had to be 10 feet away from any principle structures.

Chairman Minchuk said wasn't there a permit on that shed.

Mrs. Gregor said no.

Mr. Rapp said it is a portable shed it is on runners they had to lift it up with a fork lift and if it is between the room addition and the shed I will remove the shed.

Mrs. Gregor said a permit was never applied for.

Mr. Bigelow said when I was out there this afternoon the shed was about 3 feet. Off the back fence on the property. I assume that fence is on the property line and not the easement line.

Mr. Rapp said I know that our next door neighbors have a garden passed that and it is supposedly an easement. But I don't know where the lot line is.

Mr. Bigelow said I would be reasonably sure that is closed to the property line back there. Like I said this afternoon the shed was within 3 feet of that fence so it is definitely on the utility easement.

Chairman Minchuk asked if anyone in the audience is for or against.

My name is Richard Scott I am a representative of Home Pro of Valparaiso contractor that has applied for helping Mr. Rapp to apply for his permit and variance at the same time. We are licensed in the Town of Merrillville. I just wanted to provide a picture. It actually an all 4 season glass room so that you can enjoy. I just want you to know that I am in favor of this of course.

Mrs. Gregor said the shed was not even shown on the plat so if it was we would address that too. However it wasn't shown. Everything should have been said that there is a shed there that would just impact the sunroom addition.

Mr. Touchette asked if there is a way that they could put both there.

Mr. Scott said I think that Mr. Rapp indicated should it come between getting an approval on this or having the shed moved away from the back yard variance where he would be in compliance if he can't do both of those he would have the shed removed.

Mr. Rapp said when I bought it I was told by Yoders because it is portable it did not permanent it didn't need to be permitted and that is how I left it. As I said I have already had it moved from spot to spot with a small fork lift? If I have to move it somewhere else on the lot or move it.

Chairman Minchuk said may I make a suggestion of deferral. Have Dorinda check it out.

Mrs. Gregor said looking at the plat of survey if his variance was 19 feet that 10 of that is the easement and the shed has to be 10 feet away from the sunroom addition. So he would not be able to put that anywhere near if he placed it on the west 92nd side that is in the front yard and we don't allow sheds in the front or side yards.

Chairman Minchuk said maybe we should make a deferral and he can work that out and come back.

Mr. Touchette said I think that Dorinda is saying that it can't be worked out.

Mr. Bigelow said there is nowhere in the back yard to fit that in.

Mrs. Gregor said it can't be worked out.

Mr. Bigelow said there is no room in the backyard to fit that in with the room addition because he can't get out into the side yard along 92nd because that is actually a front yard

Mr. Touchette said to consider the reduced setback you are taking more of the back yard and you are reducing the space that is available so I guess if you are willing to remove the shed

Mr. Rapp said let me ask you this if I were to put a fence toward the south would that make it more of a backyard.

Mrs. Gregor said no. That is still your front yard. You have two front yards because he is a corner lot. You were in that duplex corner. The other one to the north of you can place their fence to the side of them and then come around to the rear.

Chairman Minchuk asked any other questions see none.

Mr. Touchette said so do you want to defer it and take more time to think about it.

Mr. Rapp said I am going to have to think about it. It is not your fault but I came from a very big home and the shed was something that I really needed to store things. There is nowhere to store anything no attic, no basement.

Chairman Minchuk said that is why I would like to make a deferral. It is not up to me but I would like to see a deferral. Then you could get your thing together and come back and see Dorinda.

Mr. Fortier said even now that the can of worms has been opened you have to address the issue of the shed. You will need to obtain a permit for it.

Mr. Rapp said I was just told it was portable and not in the ground

Mr. Touchette said I can understand your thoughts

Mr. Fortier said I always had the same if it wasn't mounded to something or planted in the ground you didn't need a permit on it that is news to me to.

Mr. Rapp said in order to keep the shed I would have to come in a get a permit

Mrs. Gregor or file for a variance

Chairman Minchuk said what I am trying to do is instead of us saying no and turning it down I would rather get a deferral and when you think your ready come back to Dorinda so they come out and check it out just to say no I would rather have a deferral. This way you will have a chance to do whatever you have to do. You builder can figure something out you can work on it together then come back when you have your stuff together and Dorinda will and then you will be back on the board again. To me that is my personal I would rather see a deferral.

Mrs. Gregor asked how large is that shed can I ask.

Mr. Rapp said it is 12 x 8.

Mrs. Gregor said 12 feet being

Mr. Rapp replied

Mr. Bigelow said 12 feet being north and south and 8 feet deep.

Chairman Minchuk asked for a motion please.

Mr. Bigelow said Mr. Chairman I move to defer this petition.

Mr. Fortier said I will second that.

Chairman Minchuk called for a roll call vote.

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

Chairman Minchuk said like I said I would much rather see a deferral than a no vote do you understand where that comes from. This way you guys can get together and then come back. See Dorinda

Mr. Stojakovich said if there is a way Dorinda can figure it out.

Chairman Minchuk said there is no body better in this town to figure out that stuff.

Z24V12-0615 NATIONAL SHOPPING PLAZAS, INC, PETITIONER

ZOOM CLEANING INC., OWNER, Located at 5840 Broadway for a Variance approval from Sec. 21-173, Employee parking, to reduce the number of required parking spaces for employees, Variance approval from Sec. 21-172 (10) to reduce the 10' greenspace side yard from 10' to 0' and variance approval from Sec. 19-226 Exhibit B to increase the number of parking spaces without landscaping islands in a C-2, Community Commercial zoning district for redevelopment of a lot for a 2 unit retail center.

Good evening my name is James Yannakopoulos. I am with the law firm of Bouwer, Koransky. I am here in behalf of the petitioner of a National Shopping Plazas who is currently in the process of purchasing the property from the current owner and co-petitioner Zoom Cleaning Inc. If you are familiar with the property it is currently a Zoom Clean Car Wash. If I may approach I have some exhibits you can look at. If you look at these the first page is an overhead aerial picture of the current facility that is on Broadway and owned by Zoom Cleaning and it shows that there are presently no side yard setbacks on the property. On our existing property or our adjacent property likewise the same would apply the islands. The second page is an elevation of the front of the proposed structure as you can see it is glass and brick structure. We do have a fortune five hundred company interested in occupying retail stores or A. We do not currently have anyone for retail B with the hope of attracting the fortune five hundred space of the A spot we hope that this plaza will flourish and if you can see the third page is and overhead drawing of what the proposed site would look like and it has the number of parking spots that would be outlined along with the layout of how the parking spots would look like

how along with retail A and retail B would lay out on the property. In speaking with the representatives from the town one of the compromises that our client is willing to undertake in exchange of the reduction of the side yards is to put an ornamental fence and you can see how that ornamental fence would look in the detail in the bottom middle of this site plan for Atena Development which is a related company to National Shopping Plazas Inc. Rather than try to give you more detail and stuff like that it is probably best to address those comments.

Mr. Touchette asked where would the fence be in the side yard.

Mr. Yannakopoulos replied in the two side yards.

Mr. Touchette asked is there a fence on the north side already

Mr. Yannakopoulos replied my understanding is that it would be the fence that is proposed would be on both side yards so that the fencing would be consistent.

Mr. Touchette said I did a google map thing there is a fence there.

Mr. Yannakopoulos said I apologize for my lack of familiarity.

Mrs. Gregor read her staff report. Petition if approve for this petitioner only at this location only for this use only. Must meet the Environmental Resource Committee recommendation regarding and option to landscaping prior to issuance of a building permit.

Chairman Minchuk asked if there are any questions.

Mr. Stojakovich said board members the only thing that I would like to bring out on this statement here. This statement was here the last time it was presented to us is that this car wash has been vacated for many years as of today this car wash is still in operation and has always been in operation. When this was brought to us they said it was vacated. I want it on record that this car wash has never been out of business and is in operation as of today. Every day when it was brought to us that it was a vacant area and it was an eyesore this is still a business operated as of today.

Mr. Yannakopoulos said I am not sure what the discrepancy was that would result in that and I apologize for any misinformation.

Mr. Touchette said I think that this came before the Plan Commission.

Mrs. Gregor said it was a variance to reduce the requirement the two acre requirement for Plan Unit Development because they only had like 1.5 acres.

Mr. Touchette said was this the one that we had the wrong drawing that it was showing a drive through that

Mrs. Gregor said no, no.

Mr. Yannakopoulos said I will say being in the real estate business. These types of car washes seem to be going on the down side. I know in neighboring communities that some of these car washes are being torn down or become vacant. Prior owner

saw the writing on the wall but if he is going to sell it would be best to sell now. The business is not thriving as much as he would like it to so that has probably wanting to sell it. Once again I apologize for the miscommunications. We didn't have the correct oversite.

Chairman Minchuk asked if there is anyone in the audience that would like to speak for or against this before we go any further.

Mr. Hardaway said although this is not my ward per say but it is right up against Ward 2 and I have got the east side of Broadway in that area and you are absolutely correct when you say that the car wash is still being operated but when you go by there any given time over ½ of the stalls are under repair and I think that if we can get a retail store in that area I am all about enhancing the quality of life for the residence of Merrillville and more importantly the north end because it will only add value to what we already have there. If we can get a retail store A & B there to help us. We are looking to enhance the Broadway Corridor by tearing down the car wash and putting a viable fortune five hundred business that is going to give us longevity in accomplishing the things that we are trying to accomplish here in Merrillville. So I would encourage you again gentlemen to give this some consideration and hopefully we can come to some type of agreement and make this thing work. I talked to Councilman Widing about this and he is 100% in favor of this project. Thank you

Chairman Minchuk said Thank you Councilman. Is there anyone else?

Mr. Fortier stated I have a question on entrance and exit. There are now going to be two accesses on to Broadway. Is there enough room for that?

Mrs. Gregor said that is a state highway issue and they would have to address that with the state highway if they can obtain the two cuts.

Chairman Minchuk said if the state says no then it won't fall back on us anyway because the next petitioner wouldn't want it when they come in.

Mr. Yannakopoulos said Dorinda's point also if for some reason our petitioner does end up buying it without the two entrances some of the parking lots might be rendered moved because we might be able to have some more parking spaces.

Chairman Minchuk said can I get a motion please.

Mr. Fortier said Mr. Chairman I would like to make a motion that we approve variance on Sec 21-173 employees parking to be reduced the number of required parking spaces for the employees for case number Z24V12-0615

Chairman Minchuk can we have a second please.

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

Chairman Minchuk asked for a roll call vote.

Mr. Bigelow yes, Mr. Fortier yes for this petitioner at this location for this use only, I apologize Thank you, Mr. Stojakovich yes and Mr. Minchuk yes.

Chairman Minchuk said it has been approved. See Dorinda and she will. We are going to the next one. Ok on the second one approval for Sec. 21-172 (10) to reduce the 10' greenspace side yard from 10' to 0' for Variance approval of Sec.19-226 Exhibit B well we already got that. I need a motion on that please.

Mr. Fortier said Mr. Chairman I would like to make the motion that we approve the variance on Sec. 21-172 (10) for case number Z24V12-0615 for this petitioner at this location for this use only reducing the 10' green space on the side yard requirements from 10' to 0'.

Mr. Stojakovich said Mr. Chairman I would like to second that as read.

Chairman Minchuk said roll call please.

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

Chairman Minchuk said that was approved. Dorinda will take care of that for you.

Mr. Yannakopoulos said thank you have a very good evening

Mr. Fortier said we have one more to do. I would like to make a motion to approve the variance on Sec 19-226 to increase the number parking spaces without landscaping island on case #Z24V12-0615 for this petitioner at this location for this use only.

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

Chairman Minchuk asked for a roll call please.

Mr. Bigelow said can we add something to that to require that they make some sort of park item to supplement this mediated putting something else in that space

Mrs. Gregor said that was part of the staff report. Before we would issue the building permit they would have to go through the Environmental Resource Committee review process and they will discuss that mediation issue.

Mr. Bigelow said I just wanted to make sure that was in there.

Chairman Minchuk asked Chuck if he seconded the motion.

Mr. Stojakovich replied sure.

Chairman Minchuk asked for a roll call vote.

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

Chairman Minchuk said the reason I did that was I was thinking that 10' green space you are going from you are going for more parking and I thought they were both together. It was my mistake. I am sorry.

Mr. Yannakopoulos replied Thank you

Z25V13-0615 B & B PROPERTIES, LLC., PETITIONER AND OWNER,

Located at 9250 Mississippi street for a Variance approval from Sec. 21-12 (7) b. to allow a solid (wood privacy) fence in an M-1, Limited Industrial and M-2, Limited Industrial Corridor Overly zoning district on 3.727 acres for security of property and equipment and to improve the general appearance of site (Cranemasters)

My name is Eric Hull my address is 327 Village Square in Burns Harbor, Indiana. I am here today to seek approval to put up a wood privacy fence as described. I do have a little bit more information for you if I can approach the board. He passed out the proposal from contractor that we intend to utilize information. It is not a cheap fence.

Chairman Minchuk asked Dorinda to read her staff report.

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

Chairman Minchuk asked do you have anything else Sir.

Mr. Hull said I did bring a couple of photographs. I am sure you all have been out on 93rd and Mississippi Street there. The overgrowth where the property lies right now as you go around the corner there is currently a silt fence up for the construction that is there. This fence would kind of go right along that line on our property line then we will cut back at an angle at the intersection. Our intend one day is too possible a landmark pipe sign there for the business if not it will go down more toward the entrance of the business. Our intent is to clean up the site lines and provide some security for ourselves primarily. The fence that we want to put in is a copperwood it starts out I guess as a green kind of color it is a treated wood it is a semi you don't have to take care of it a whole lot it is not a no maintenance fence but it is a very low maintenance fence and as the wood begins to age it turns a real nice copper color it is a solid fence there is no space in between as you will see on the second page.

Chairman Minchuk asked any other questions.

Mr. Bigelow said the thing that strikes me why the privacy fence. All of these give me an impression that they are hiding something when you go to a big privacy fence.

Chairman Minchuk said the cyclone fences and if they don't have privacy then they add slats for privacy.

Mr. Fortier said you can see into your property from the over pass on 93rd Avenue anyhow. If you are going to try and hide something we are going to be able to see it.

Mr. Hull said the security is the issue but we don't want to go with a chain link fence primarily because of the appearance to put in a nicer fence. Our organizations takes a lot of pride in their equipment and the facility. If you remember Panel Processing was there prior to us if you were to come there you would have no idea that they were there. We have put some significant expense into the 10 doors that we added alongside of the building the concrete pad adding

some gravel and fixing the lot for ourselves. The inside we have taken and painted all the floors with and epoxy at \$40,000.00 just in floor paint to coat the floor for the equipment. It kind of looks like a Nascar garage inside when you come in. We take the time to put into the equipment to perform when it is needed to

Mt. Touchette asked what is your business.

Mr. Hull said we contract to the railroads our primary focus is we clean up train wrecks. If there is a train derailment or a first responders both for hazmat, freight and passenger trains. You have seen us on the news in Philadelphia, New York City, West Virginia, Galena some of the different places where there has been some tragic accidents.

Chairman Minchuk said I work with OSHA and I worked with you guys in Portage.

Mr. Hull replied ok

Chairman Minchuk said the crane tipped and a guy got killed

Mr. Hull said that was a very close friend of mine. I was on that derailment. That was a very unfortunate day. We went from that day where we had a fatality 5 years ago it was about a week ago 5 years ago we went injury free. No recordable injuries at our location.

Mrs. Gregor said Councilman Pettit stopped into the office and he said that he reviewed this and he is supporting the project or the variance so.

Chairman Minchuk asked if there is anyone in the audience for or against. Seeing none I need a motion please. I am not seeing a motion at this time.

Mr. Fortier said I saw you had notes written down and I just wanted to make sure you didn't have additional questions.

Mr. Bigelow said that was my primary one was the visibility. I know you can't see through there now because of all those trees in that corner so it isn't going to change that much but it just always raises questions in my mind.

Mr. Hull said there are a lot of poles in that are power lines some temporary couple of permanents one we want to pull back off the corner and make it an attractive area. There will probably be some landscaping through there after we are done and all will be open with just some small decorative stuff goes in.

Mr. Fortier said Mr. Chairman I would like to make the motion to approve the variance on Sec. 21-12(7) b for case number Z25V13-0615 for this petitioner at this location for this use only.

Mr. Bigelow seconded the motion.

Chairman Minchuk said roll call vote

Mr. Bigelow yes, Mr. Fortier yes, Mr. Stojakovich yes and Mr. Minchuk no. Chairman Minchuk said approved.

Mr. Hull said I sit on the BZA for Lowell and you have a gem right there in Dorinda.

Z26uV6-0615 UNIQUE DELIVERY SERVICE, INC., PETITIONER

GEORGE DOVELLOS, GUS DOVELLOS, AND VICKIE DOVELLOS, OWNER, Located at 6707 Broadway for a Variance of use approval in a C-3, Highway Commercial zoning district on 4.35 acres for a sorting and delivery service facility.

Good Evening Lady and Gentlemen of the Council my name is Michael Pint 739 Water Street Hobart, Ind. I am here this evening for a Variance of Use approval for the property at 6707 Broadway. We are Midwest based Delivery Company and we have been in business for 40 years and we have outgrown the facility we are currently at in Hammond and we are looking to relocate to the facility on Broadway. What we will be bringing with us is 24 employees who have been permanent. We deliver for some of the biggest corporations in the state including Walgreens, CVS, Amazon.com, Gap and Old Navy.

Mrs. Gregor read her staff report. If this is approved for this petitioner only at this location only, for this use only and truck engines must be turned off during time of unloading. Once again this is in Councilmen Pettit's ward and he is in support of this.

Chairman Minchuk said lets go to the audience first. Anybody in the audience for or against. Seeing none anybody on the board.

Mr. Bigelow said just looking at the map the trucks would have to back in and pull out correct.

Mr. Pint said yes sir off of Broadway

Mr. Touchette said your 4 employees during the day will they be delivering things

Mr. Pint replied no Sir the employees that are stationed there during the day they are just a management team. The 24 employees are there from 2:30 am till I mean everything is kind of depending upon traffic of course and weather as long as on an average day 95% of the year the 24 employees will be out of the building by 8:00am. There will be people the express drivers those who we stager it so there is not a big buildup of drivers at once they do come in and out of the building but we stager it so there is never more than 15 in the building at once and then at the end of the day drop off the paper work and any undeliverable packages. It is a very solid business brings in a lot of traffic a lot of people needing repairs gas, fuel, food all kinds of those types of things and around Christmas time when the volume increases quite a bit we do hire from within the community. We will add about 20 jobs during that period and we have been going through an expansion. I have been there 18 years and we have never down sized we have only grown. The facility in Hammond is a 10,000 square foot facility and the one in Merrillville is 30,000 square feet so we are only going to grow and we have been in the Hammond building for 15 years now. It is a very steady company.

Mr. Touchette said it sounds like a very good use for that building.

Mrs. Gregor asked can I get the correct spelling of your last name.

He replied PINT. I have heard every joke. They weren't kind but I grew.

Chairman Minchuk asked for a motion please.

Mr. Fortier said Mr. Chairman I would like to make a motion to approve the Variance of Use in a C-3 Highway Commercial zoning district for case number Z26uV6-0615 for this petitioner at this location for this use only with the stipulation that truck engines and lights must be turned off at time of unloading.

Chairman Minchuk asked for a second.

Mr. Bigelow seconded the motion.

Chairman Minchuk called for a roll call vote please

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

Chairman Minchuk said approved. Dorinda will instruct you.

Mrs. Gregor said you will have another meeting to go to.

Mr. Pint said yes mam the owners will be at the July 14th meeting.

Mrs. Gregor said very good. Thank you

Mr. Pint replied thank you.

Mr. Fortier said they can come in on July 3rd for our parade and celebration if they would like.

Mr. Pint replied I will be sure to pass that along.

OTHER BUSINESS

VERIZON/SBA COMMUNICATIONS

Located at 6200 Cleveland Street in a C-2, Community Commercial zoning district to allow the expansion of a telecommunication site per condition placed on a 2004 variance approval (Z11V-0404)

Good evening my name is Brian Donnelly I am for Verizon Wireless. The request for today is for an approval for a ground expansion of an existing telecommunications Facility due to a condition placed on the tower when it was originally granted a special use back in 2004. Verizon is interested in installing 6 new antennas with supporting equipment on the tower at 110 feet. The tower itself as it currently stands is 160 feet and there are currently 3 other carries on the existing tower. The reason why I am before you today is that the existing compound is currently 2500 square foot and it is 100% occupied by the 3 existing carries. In order for Verizon to operate the antennas on the existing tower they need more space to put there ground equipment to operate the facility. Another reason pretty much why I am before you today is that the previous Special Use had some language in it that indicated that the approval was for this tower and this

location. We are technically using a different location which requires your approval. Verizon has designed their network with the Town of Merrillville zoning ordinance in mind using an existing tower trying to stick with the Master Plan for the Town of Merrillville and not request a bunch of additional towers when a co-location is available. The co-location on the tower fall well within the perimeters of the zoning ordinance. Simply put the ground expansion is going to be required whether it is Verizon or any other carriers in order to use that tower. Without it Verizon or any other carrier would be forced to try and get an approval for a new tower somewhere in the Town of Merrillville in order to provide adequate voice and data coverage to the residence and people shopping in the Town of Merrillville.

Mrs. Gregor said once again this is very similar to the one we heard 2 months ago.

Mr. Fortier said it sound identical.

Mr. Touchette asked if Verizon owns this land.

Mr. Pint replied Verizon does not own this land. Verizon is the company that is going to occupy the land. There is a lease agreement between Crown Castle which is a tower management company and the owner of the land.

Chairman Minchuk asked if there is anyone in the audience for or against I don't see anyone. No other questions. Can I get a motion please?

Mr. Stojakovich said under other business Verizon SBA Communications I would like to approve Z11V-0404.

Mr. Bigelow seconded the motion.

Chairman Minchuk called for a roll call vote.

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

Motion carries

Mrs. Gregor asked if they applied for a permit I can't remember there are so many of these that come in.

Chairman Minchuk asked for a motion to adjourn.

Mr. Stojakovich made a motion to adjourn seconded by Mr. Fortier.

Meeting adjourn at 8:00PM

Respectfully submitted

Janet Rosko