

BOARD OF ZONING APPEALS
January 23, 2023
MEETING

ROLL CALL

The meeting was called to order at 7:00 p.m. and the assemblage was invited to stand and recite the Pledge of Allegiance.

Members Present:

Chairman Nick Nochevich, Vice Chairman Jeremy Taylor, John Marshall, Daniel Rohaley, Dick Sauerma

Members Absent: None

Staff Present:

Commission Attorney Joe Irak, Assistant Planner Josh Watson, Recording Secretary Jenni Pause, Media Manager Mary Freda

APPROVAL OF MINUTES

Chairman Nick Nochevich asked if there are any corrections, deletions, or modifications to the November 28, 2022, meeting minutes. Daniel Rohaley motioned to approve the minutes as presented. John Marshall seconded the motion. With 5 Ayes, 0 Nays, and 0 Abstentions, the minutes were approved. Nochevich asked if there are any corrections, deletions, or modifications to the December 27, 2022, meeting minutes. Rohaley motion to approve the minutes as presented. Marshall seconded the motion. With 5 Ayes, 0 Nays, and 0 Abstentions, the minutes were approved.

Board of Zoning Appeals Officer Elections took place.

John Marshall nominated Nick Nochevich as President. Dick Sauerma seconded the nomination for Nochevich. With no other nominations, Sauerma motioned to close the nominations, Marshall seconded the motion, and the nominations were closed. A roll call vote was taken, by a vote of 5 Yeas, 0 Nays, 0 Abstentions, Nochevich was elected as the President.

John Marshall nominated Jeremy Taylor as Vice Chairman, Nochevich seconded the nomination. With no other nominations, Marshall motioned to close nominations, Nochevich seconded the motion, and the nominations were closed. A roll call vote was taken, by a vote of 5 Yeas, 0 Nays, 0 Abstentions, Jeremy Taylor was elected as the Vice Chairman.

Nochevich nominated Grace Benninger as Executive Secretary, Marshall seconded the nomination. Marshall motioned to close nominations, Rohaley seconded the motion, and the nominations were closed. A roll call vote was taken, by a vote of 5 Yeas, 0 Nays, 0 Abstentions, Grace Benninger was elected as the Executive Secretary.

OLD BUSINESS

None

NEW BUSINESS

23-01 Michele Kovac, Petitioner/Arco Development, LLC, Owner

Request: Variance of Use

Purpose: Operate an accounting office in an R-1 Residential Zone

Location: 1233 East North Street

Michele Kovac, 15245 Washington St., came before the board provided a brief overview of the petition. Kovac stated she has a current office on the square and has outgrown the space. Kovac stated she had the opportunity to purchase this house and would like to move the business to that location. Kovac stated the house is located around other commercial uses.

Assistant Planner Josh Watson reported the petitioner is requesting a Variance of Use to operate an accounting office in a R-1 Residential District, located at 1233 East North St. Watson reported the petitioner plans to relocate her accounting office from 117 W Joliet to the new location if approved. Watson reported the site is located on .414 acres with a 150-foot driveway and existing additional parking in the south end of the property. Watson reported the petitioner will be making significant improvements to the interior of the facility transforming the space into a suitable office environment. Watson reported the hours of operation will be 8:00 AM to 6:00 PM Monday thru Friday and 9:00 AM to 5:00 PM on Saturdays. Watson reported the building is surrounded by R-1 with the inclusion of the Homan Karate Dojo on the East side and the Sports Complex directly to the South. Watson reported no letters of remonstrance or support have been received. Watson recommended approval of the petition.

Jeremy Taylor asked what kind of improvements the petitioner will be making to the exterior of the building. Kovac stated the house has brand new siding, she plans to paint the skirt, she would like to enclose the front porch, clean up the walkway and garage. Kovac stated the exterior is in decent shape. Taylor asked how many clients they would be seeing. Kovac stated they take appointments and usually only see one client at a time. Kovac stated there may be a situation where someone runs in and drops off their taxes during tax season. Taylor asked if there was gravel back by the garage. Kovac stated it is asphalt and needs work, she wants to repave it. Taylor asked how many employees will be parking there. Kovac stated she has 4 total counting herself, 2 full-time and 2 part-time employees that alternate days so there should only be 3 employees at a time. Taylor stated his only concern is the traffic and wondered if there was any way for clients to enter/exit through the back of the property.

Marshall asked Kovac to verify whether this will just be a business or does she plan to live in the house. Kovac stated it will simply be a business. Marshall stated he is not opposed to the business being there he is just in disagreement with the way the petition was filed and wondered why this is not a rezone because a residential house is being made into a business.

Sauerman stated he is not opposed to a business being at this location. Sauerman stated his concern is in alignment with Marshall's concerns. Sauerman asked if it wouldn't be better to turn this house from residential into business. Kovac asked what the zoning for the karate dojo next door is. Watson stated R1. Rohaley stated the entire sportsplex is zoned R1 to provide the city with more control of that area. Rohaley stated "special

uses” can be controlled if they change the property to B3 any B3 use could be operate at this location. Watson agreed with Rohaley, the special use helps the city keep control of what can operate at this location.

Sauerman stated a couple months ago the board denied a at home yoga business and this is similar. Sauerman asked if what Rohaley stated will help mitigate the risk for the safety concerns. Attorney Irak stated he believes so. Irak stated the board must take into consideration the surrounding properties and uses when determining a special use. Irak stated this property has similar uses located near it.

Rohaley asked for verification of how many employees and how many clients will be present each day. Kovac stated there will be a max of 3 employees per day and 1-2 clients per day. Rohaley asked if this will be ADA compliant. Kovac stated it will, she has a wheelchair ramp at home. Rohaley asked Watson what the parking spot requirement would be. Watson stated 5 spaces would be required. The Board and Kovac discussed the parking and turnaround options. Kovac stated you can easily do a 3-point turn. Rohaley voiced his concern with vehicles having difficulty getting back out onto North St. Rohaley asked Kovac if the garage will be used for a business, Kovac stated only for parking. Rohaley asked how many bedrooms the house has. Kovac stated there are 2 bedrooms and a loft area.

Marshall stated he sees Rohaley’s point about why they do not want to rezone the property and remembers the conversation from when they did the sportsplex. Marshall asked what type of signage the petitioner was looking to get. Kovac stated she would do whatever they allowed, probably something on the building. Marshall stated he does not want to see a monument side in the front yard. The Board discussed the options for signage. Kovac stated she does not need a big flashy sign. Watson reported city ordinance allows for a 12 sq ft sign on the building.

Nochevich asked if the driveway is a one lane or two lane. Kovac stated it is one lane at the road and then widens. Kovac provided pictures of vehicles parked in the driveway to show how many cars can be parked there. Board and petitioner discussed parking options.

Nochevich opened the public portion of the meeting.

Michael Scheidt, 1205 W. North St., came before the Board and asked if anyone is going to live on the property or will it just be a business. Scheidt asked if there are any plans to widen the driveway or extend it towards the city’s property. Kovac stated no one will live on the property and at present there are no plans to extend the driveway.

Megan Lambert, 1229 W. North St., came before the Board and stated her concern with clients possibly pulling into the neighbors driveways. Lambert asked if there is signage that can be put out to identify the proper location so that does not happen. Lambert asked if they will be installing a fence. Kovac stated whatever the city will allow her to put. Kovac stated there is a brand new mailbox at the end of the driveway. Nochevich stated the signage on the building should help people find them. Kovac stated her clients are reoccurring. Lambert voiced her concerns with Kovac’s customers understanding that this is a residential neighborhood and her dogs will bark when they see people pull up as it is their nature. Kovac stated she is a dog person and completely understands. Kovac stated appreciates that Lambert keeps a nice house and property. Lambert stated she does not want clients to be upset about the neighbors living their daily life. Kovac stated if anyone has issues with it they can find another accountant.

With no other public coming forward, the public portion of the meeting was closed.

Rohaley asked Kovac if she has thought about putting up a fence. Kovac stated she could and would personally like natural fencing. Rohaley asked Kovac if she would have any issues with an approval being subject to fencing/screening. Kovac asked what the reasonable amount of time to get the trees planted would be. Rohaley stated the fall would be acceptable.

Freda stated there was a question online asking when the petitioner plans to open. Kovac stated as soon as she can get in there. Kovac stated her closing date is set for Feb. 1st.

Marshall motioned to send a Favorable Recommendation to the City Council for Petition # 23-01 with Staff comments, subject to no one living in the house, a natural fence line of trees on the west side of the house planted by the first of 2024 and a identifying sign on the front of the building no larger than 12 sq ft. Sauerman seconded the motion. Taylor asked if they want to add the parking requirement. Marshall stated he feels they have adequate space. With a roll call vote of 4 Ayes, 1 Nays, and 0 Abstentions Petition #23-01 received a Favorable Recommendation.

Nochevich reminded the petitioner that they are not the final decision, and they will need to be present for the City Council meeting in February.

23-02 Drive & Shine, Petitioner/Tech Admin & CM Division Federal, Owner

Request: Variance from Development Standards

Purpose: On-Building Signage to exceed 100 square feet

Location: 239 East 109th Avenue

Russ Pozen, of DVG, 1155 Troutwine, came before the Board and provided a brief overview of the petition. Pozen detailed the necessity for the excessive signage stating the safe travel of the public is a high priority. Pozen detailed the functions of the development and the importance of knowing where each is located in the building for safe travel. Pozen detailed each sign and function. Pozen stated typically Drive & Shine usually has larger signage than what is proposed but to try and come closer to the ordinance they reduced the signage. Pozen reported on the Finding of Facts.

Watson reported the petitioner is requesting a Variance from Development Standards to exceed the 100 square foot max allowance for on-building signage in a B-3 Business District, located on Lot 3 at 10951 Broadway. Watson reported the combined on-building signage square footage would total 479.8'. This will exceed the 100 ft max square footage allowance for on-building signage by 379.8 square feet. Watson reported this combined amount includes the Drive & Shine branding logo, directional signage, as well as informational signage. Watson reported Drive & Shine has submitted these designs with a smaller square footage than what is used on their other locations as a way of getting as close to the City of Crown Point's ordinance while still maintaining their branding. Watson reported all notices have been properly sent out by certified mail, the notice has been published in the newspaper, and no letters of remonstrance or support have been received. Watson recommended approval of the petition.

Rohaley asked if there is a ramp that goes up for the free vacuum. Pozen stated there is not, everything is on the same level. Rohaley stated he gets the other signage but does not understand the necessity of the free vacuum. Pozen stated they do need the free vacuum on both sides to notify people where to go. Pozen stated the signage shows the big green glass building is where the free vacuums are. Pozen stated all the signage is a

model to show people where to go. Rohaley stated he still does not see the need for the large free vacuum. Pozen stated it is part of their brand and to show what that part of the building is.

Sauerman stated he knows there are a number of Drive and Shine locations, and asked if the signage at those locations is comparable. Pozen stated this proposed signage is smaller than the other facilities in Indiana. Sauerman asked if the sign is calculated by how many feet away you want someone to be able to see the signs.

Jay Stauffer, 10625 State Rd 10, August, IN, came before the Board and explained how the size of the signs needed is calculated.

Marshall stated he has seen this petition several times and the renderings have always showed the signage. Marshall asked if everything is in one building. Pozen confirmed. Marshall stated the disadvantage is all 4 functions is located in one building.

Taylor stated he had no questions.

Nochevich opened the public portion of the meeting. With no public coming forward, the public portion of the meeting was closed.

Nochevich entertained a motion. Marshall motioned to approve Petition # 23-02 with the submission of the Finding of Facts. Taylor seconded the motion. With a roll call vote of 4 Ayes, 1 Nays, and 0 Abstentions Petition #23-02 was approved.

23-03 Kevko, LLC, Petitioner/109th & Broadway, LLC, Owner

Request: Variance from Development Standards

Purpose: Develop 2 Lots, 1 not on a private or public street

Location: 11065 Broadway

Jeff Ban, of DVG, 1155 Troutwine came before the Board as a representative of Kevko and provided an overview of the petition. Ban stated the property is long and very narrow but can handle 2 lots because of its size. Ban stated the proposed development is two, 2 story office buildings with the parking lot in the center of the two buildings. Ban stated this use does fit in with the Comprehensive Plan and is similar to the developments to the south on Broadway. Ban reported on the Finding of Facts. Ban reported the driveway easement and the ingress/egress. Ban stated there is also a mutual drainage easement that was provided to the board members.

Watson reported the petitioner is requesting a Variance from Development Standards to allow the development of 2 lots, one of which is not on a public or private street, located at 10977 Broadway. Watson reported the petitioner is looking to develop a building on the west end of the property immediately with a second building of similar design to be developed on the east end within the next couple of years, and would be office buildings roughly 32 feet in height with a shared parking lot. Watson reported the petitioner is seeking a Variance due to the east end lot not being on a public or private street and having to be accessed through the proposed mutual parking lot. Watson reported all notices have been properly sent out by certified mail, the notice has been published in the newspaper, and no letters of remonstrance or support have been received. Watson recommended approval of the petition.

Taylor asked if lot 2 and the parking lot would be constructed first. Ban stated they will be seeking approval for new lot 1 and the new lot 2. Ban stated they believe they will be building on Lot 1 immediately and lot 2 will be at a later date. Taylor asked if they will be coming back for any other variances for setbacks or anything. Ban

stated this is the only variance they are looking for. Ban stated the site plan otherwise is compliant with all city ordinances and codes.

Marshall asked if there is access through Coyne and on Broadway. Ban confirmed.

Sauerman asked if there is some type of drive easement for Lot 2 on the north side to get to Broadway. Ban confirmed there is an existing driveway easement that allows ingress/egress that was approved when Coyne was approved.

Rohaley stated they have done a great job with a unique site. Rohaley stated they will want to see the REA agreements at site plan. Ban stated they will have them at site plan approval.

Nochevich opened the public portion of the meeting. With no public coming forward, Nochevich closed the public portion.

Nochevich entertained a motion. Rohaley motioned to approve Petition # 23-03. Marshall seconded the motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #22-35 was approved.

MISCELLANEOUS AND PUBLIC COMMENT

No Misc.

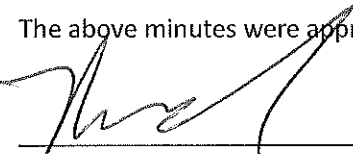
No Public Comment

ADJOURNMENT


At 8:19 pm, Nochevich entertained a motion to adjourn. Marshall motioned to adjourn; motion was seconded by Nochevich.

ATTESTMENT OF MEETING MINUTES.

The above minutes were approved and adopted by majority on the 27 day of February 2023.



Nick Nochevich, Chairman



Grace Benninger, Executive Secretary