

BOARD OF ZONING APPEALS

March 27, 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, John Marshall, Daniel Rohaley, Dick Sauerma

Members Absent: Vice Chairman Jeremy Taylor

Staff Present:

Commission Attorney Joe Irak, Planning & Zoning Administrator Josh Watson, Assistant Planner Luke Fricke, 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 February 27, 2023, meeting minutes. Dick Sauerma motioned to approve the minutes as presented. Daniel Rohaley seconded the motion. With 4 Ayes, 0 Nays, and 0 Abstentions, the minutes were approved.

OLD BUSINESS

None

NEW BUSINESS

23-05 Donald & Debra Andersen, Petitioner/Owner

Request: Variance of Use

Purpose: Allow a Multi-Tenant Rental in an R-2 Residential District

Location: 150 North West Street

Donald & Debbie Andersen, 11529 Bakker St., came before the Board and provided an overview of the petition. Andersen stated this has been a multi-unit rental for 40 years. Andersen provided the history of the property. Andersen stated when they purchased the home in 2002 it was a two-unit rental building. Andersen stated in 2013 they paid the city rental fee and was inspected by the city rental compliance inspector. Andersen detailed the corrections they made to the house at the request of the inspector, which then passed the inspection. Andersen stated the two-unit was recently inspected by the Building and Fire Inspector; a few violations were noted. Andersen stated they have made the corrections required. Andersen requested the variance needed to keep the house as a two-unit rental as well as an additional address for the south unit.

Executive Secretary Josh Watson reported the petitioners are requesting a variance of use to operate a multi-family rental in an R-2 Residential District located at 150 N West St. Watson reported they plan to rent out the front half of the house to one tenant and the back half of the house to another if approved. Watson reported

the site is located on .13 acres one block west and two blocks north of the square. Watson reported the parcel is surrounded by R-2 Residential with B-1 and B-2 Business Districts to the east and south. Watson reported all mailers were sent out and the notices were advertised in the newspaper. Watson reported the Planning Dept. was contacted by a resident that had concerns but instead of remonstrating or supporting the petition, is trusting the best judgement of the BZA.

Rohaley asked what the parking situation is at this location. Andersen stated there is room in the driveway for 5 cars. Andersen stated Unit A has the right side of the driveway and Unit B uses the left side of the driveway. Rohaley asked Watson to verify that the Fire and Building Dept. are ok with this petition. Watson reported the only issue the Fire Dept. had been there were no smoke detectors which the Fire Dept. supplied them and the Building Dept. had an issue with a handrail height going to the basement otherwise everything would be fine.

Sauerman asked Watson to verify that the house is located in an R2 zoning. Watson confirmed. Sauerman asked Watson to verify that the house was inspected in 2013 and then again last week. Watson confirmed. Sauerman asked Watson to verify that what they are asking for is what he recommended. Watson confirmed.

Marshall stated the petitioner bought the house as a two unit and still uses it as a two unit. Marshall stated he thought it would be a shame to put anything on this petitioner after 40 years. Marshall stated they had done everything the city had asked and had no way of knowing it was not allowed.

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

Nochevich entertained a motion. Marshall motioned to send a Favorable Recommendation Petition # 23-05 with Staff comments. Rohaley seconded the motion. With a roll call vote of 4 Ayes, 0 Nays, and 0 Abstentions Petition #23-04 received a Favorable recommendation.

Irak informed the petitioners to be present at the City Council meeting for final approval. Nochevich stated the meeting is on April 3, 2023, at 7pm.

23-06 Youche Country Club, Petitioner/Owner

Request: Variance from Development Standards

Purpose: Allow a Pole Barn Height of 24 ft. and Front Yard setback of 10 ft.

Location: 150 North West Street

Doug Rettig, DVG Inc., 1155 Troutwine, came before the board provided and introduced Mike Papineau, 2057 Hidden Valley Dr., Golf Course Superintendent for Youche Country Club . Rettig provided an overview of the petition. Rettig detailed the proposed project for the corner of 133rd and Marshall. Rettig stated the barn will be cold storage. Rettig described how the right-of-way will work. Rettig stated they pushed the building back as far as they were comfortable with. Papineau provided a Power Point presentation. Papineau provided a history of Youche and detailed all the amenities. Papineau detailed the surrounding properties. Papineau stated the buildings are broken into often and things are stolen because of the age of the buildings they cannot be secured properly. Papineau detailed where the existing septic field and irrigation line that they need to avoid.

Watson asked if the building would have plumbing or electricity. Papineau stated the building will have electricity only. Watson asked if there will be any bathrooms. Papineau stated there will be no bathrooms, no plumbing, and no HVAC.

Papineau detailed the phases for the project. Papineau stated there will be bins of mulch and other materials that he uses on the course. Papineau detailed the buildings that will have bathrooms and be conditioned. Papineau detailed the drainage of the area.

Watson reported the petitioner is requesting a variance from development standards to allow a pole barn height of 24' and a front yard setback of 10' in an R1 Residential district. Watson read what is allowed by the ordinance. Watson reported all notices have been mailed out and the notice was published in the newspaper. Watson reported no letters of support or remonstrations have been received.

Marshall asked for clarification of the location of the proposed building. Rettig physically showed Marshall on the drawings where the building will be located. Marshall asked why the ceiling needs to be 24' high. Papineau stated the inside will be 14'. Rettig stated because of the width of the building and the trusses, the building height needs to be 24'.

Sauerman asked if all three of the buildings on the corner would be torn down. Rettig stated eventually, they are doing the project in phases. Rettig detailed where they will be donating to the right-of-way. Rettig stated they still need to go through Plan Commission for site plan. Papineau stated all the buildings will be torn down once the new building is up. Sauerman asked if the new buildings are larger than the old ones. Papineau stated they are the same size or maybe a little small, the new buildings are wider and higher, the old buildings were long and narrow. Papineau stated once phase 1 is started they will start fundraising for Phase 2. Papineau stated they have met with the NIPSCO engineer already.

Rohaley stated he was not a big fan of this until he saw the renderings. Rohaley asked the petitioner about the setback. Rohaley asked the petitioner if they are ok with doing a really extensive landscaping plan on the south end. Papineau detailed some of the landscaping.

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

Nochevich entertained a motion. Marshall motioned to approve Petition # 23-06 with Staff comments. Sauerman seconded the motion. With a roll call vote of 4 Ayes, 0 Nays, and 0 Abstentions Petition #23-06 was approved.

MISCELLANEOUS AND PUBLIC COMMENT

Rohaley asked about 815 W. Joliet St. Rohaley stated they were given two years to construct the house after the accessory structure and stated the deadline is approaching. Rohaley stated the site definitely needs to be cleaned up. Watson reported the owner was recently cited for storage containers. Rohaley asked if they are operating a business. Watson reported the petitioner claims it is personal storage. Watson reported the owner has been given until April. Rohaley stated they can revisit this at the next meeting for an update.

Pause stated she believes what was approved was the house must receive occupancy within two years after the accessory building. Pause stated the owner just received the occupancy for the accessory building about a month ago. Rohaley asked if a permit is good for two years. Pause confirmed.

Watson read the approval which allowed the accessory structure for personal uses only no commercial uses and the occupancy of the home to be obtained within two years of the issuance of the occupancy of the accessory structure.

Marshall brought up Southlake Landscaping to run their business out of the barn on Broadway. Rohaley stated they never did site development or anything on that. Marshall stated they have a lot of stuff out there. Rohaley stated you can really see all the stuff. Watson stated he will look into it.

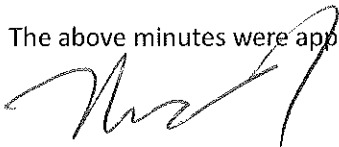
No Public Comment

ADJOURNMENT


At 7:52 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 the majority on the 2nd day of Apr. 1 2023.



Nick Nochevich, Chairman



Josh Watson, Executive Secretary