

BOARD OF ZONING APPEALS
April 24, 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 Sauerman

Members Absent: None

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 March 27, 2023, meeting minutes. Dick Sauerman 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

23-07 Melissa Matlon, Petitioner/Porter Street Development, LLC, Owner

Request: Special Use

Purpose: Allow a Cheerleading/Gym Facility in an I-Industrial District

Location: 1680 East Porter Street

Melissa Matlon, 10012 Wisteria Ln., St. John, IN, came before the Board and provided an overview of the petition. Matlon stated their current facility is in St John, but they have outgrown it. Matlon stated they need a particular type of building with higher ceilings and this building fits their needs, Matlon stated the building is currently under construction and they have added the additional safety measures required by the Fire Dept. Matlon stated they will be installing a sidewalk around the entire building. Matlon stated this is a safer location with more room than their current facility. Matlon stated they did a lot of research and data analysis and decided Crown Point would be a great location for their facility.

Executive Secretary Josh Watson reported the petitioner is requesting a Special Use to operate a cheerleading training facility/gym in an I-1 Industrial District located at 1680 East Porter Street. Watson reported the site is located on 1.38 acres, just to the North of E North St. Watson reported the proposed use is similar to Midwest

Gymnastics directly to the North on Erie Ct, which received approval in 2014 to operate a gymnastics facility in an I-1. Watson recommended approval of the petition.

Rohaley stated timing is everything because the building is brand new. Rohaley asked about the hours of the facility. Matlon stated the hours are Monday – Friday 5pm – 9pm. Rohaley asked if there is enough parking. Matlon stated there are 40 spaces at their building and the use of the other buildings parking because they close at 5pm. Rohaley asked Matlon to verify that they are sharing a lot. Matlon confirmed. Rohaley stated he feels this is a good use of the property.

Dick Sauerman stated he feels this is a good use and a good plan.

Marshall stated this site has more parking than the other gymnastics facility.

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. Rohaley motioned to send a Favorable Recommendation Petition # 23-07 with Staff comments. Marshall seconded the motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #23-07 received a Favorable recommendation.

Nochevich informed the petitioners to be present at the City Council meeting for final approval. Watson stated the meeting is on May 1 , 2023, at 7pm.

23-08 Ann Cain, Petitioner/Owner

Request: Variance from Development Standards

Purpose: Allow Reduction of On-Site Parking

Location: 419 North Grant Street

Ann Cain, 464 S Mian St., came before the Board and provided an overview of the petition. Cain stated they are wanting to add more outdoor seating and will need to reduce the parkin lot by one space. Cain stated they have also reconfigured the handicap spots and will be moving it and restriping. Cain stated she has a parking agreement with her neighbor Rick Amodeo and Frickes.

Watson reported the petitioner is requesting a Variance from Development standards to extend the existing outdoor patio into the parking lot which will reduce parking spaces on site by 1. Watson reported the business's success has led to the owner/operator looking to increase their outdoor seating space. Watson reported the current patio is approximately 12' x 13' (156 sq ft) and is looking to expand to 18' x 20' (360 sq ft). Watson reported the petitioner will be losing one parking space, but will also be restriping the parking lot as well as moving the handicap space closer to the front door. Watson reported the petitioner is aware that parking is a major constraint at their location and has coordinated with local business owners to allow shared parking for customers and employees. Watson reported the petitioner has taken extra steps already has an agreement with Amodeo Properties Inc for 26 spaces of parking, and Fricke Recreation Inc for 10 spaces for employee parking. Watson reported all notices have been properly sent out by certified mail, the notice has been published in the newspaper, and no letters of remonstratation or support have been received.

Jeremy Taylor asked what the hours of operation are and how late the patio will be open. Cain stated their hours will be 11am-11pm with patio wrapping up around 10 or 11pm.

Marshall stated parking in this part of town has always been an issue but has seemed to work out. Marshall stated he has no issues with this.

Sauerman asked if the parking agreement with Amodeo is new. Cain stated it is new, but he has always let them park in those spots. Cain stated her employees will have to park down at Fricke's to alleviate some spots. Sauerman asked if this is the last time Cain will be coming asking for a reduction in parking for additional seating. Cain confirmed she is very comfortable with the number of seats. Cain recommended having someone looking into some No Parking signs in the area that does not make sense. Sauerman asked Cain if she will be narrowing the parking spots when she restripes. Cain stated she will not narrow the spaces.

Rohaley stated he feels Cain is a victim of her own success. Rohaley stated he struggled with this plan because they only have 11 spots in an area that is already strained. Rohaley informed Cain that the business owners are supposed to provide their own parking. Rohaley stated he understands this building is grandfathered in but asked Watson what the required parking would be. Watson reported based off the square footage of the building the site would require around 64 spots. Rohaley asked if the site received a variance for the reduction in parking or if it was grandfathered in. Watson reported he cannot find any variances for the parking so it must be grandfathered. Rohaley asked Cain how many employees she has. Cain stated she has 5 during the day. Rohaley stated then there are 10 all together with the 5 employees from the salon in the rear. Rohaley asked if the employees are allowed to park in the lot. Cain stated they can. Rohaley stated he feels they are taking a bad situation and making it worse. Rohaley stated he does not feel Cain has developed a hardship for the need. Rohaley asked if Cain has 66 parking spots at Fricke's. Cain stated she has about 26 additional spaces.

Nochevich opened the public portion of the meeting.

Mike Burrell, 900 Greenview Dr., came before the Board and stated he owns the business next door and agreed with Cain on the No Parking signs. Burrell stated he does have any issues with Cain reducing her parking by one spot. Burrell stated he feels with the improvements made by Amodeo the no parking signs should be taken down to increase the available spaces.

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

Rohaley asked if the Fire Dept, EMA and Police have looked at this petition. Watson reported he spoke with the Fire Chief and he seemed very uncertain with the current conditions and did not seem to be in favor of this petition.

Nochevich entertained a motion. Marshall motioned to approve Petition # 23-08. Taylor seconded the motion. With a roll call vote of 4 Ayes, 1 Nays, and 0 Abstentions Petition #23-08 was approved.

23-09 Joseph Neri, Petitioner/Albertsons, LLC, Owner

Request: Variance from Development Standards

Purpose: Allow Seasonal Greenhouse in Jewel-Osco Parking Lot

Location: 1276 North Main Street

Watson informed the Board the petitioner requires a 30 day deferral.

Nochevich entertained a motion. Roahely motioned to defer Petition # 23-09. Sauerman seconded the motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #23-08 was deferred to the next meeting.

23-10 TJ Higgins, Petitioner/Timothy & Catherine Higgins, Owner

Request: Variance from Development Standards

Purpose: Allow Building to Encroach the Side Yard Setback/Parking Past Building Line

Location: 1305 Erie Court

Tim Heidbreder, 630 Brookside Dr., came before the Board and introduced Tim Higgins, 1305 Erie Ct. Heidbreder came before the Board and provided an overview of the petition. Heidbreder stated there are no more Industrial lots and Higgins needs more space so he would have to move to Merrillville to build a larger facility.

Watson reported the petitioner, TJ Higgins with Higgins Overhead Doors, located at 1305 Erie Ct, is requesting a Variance from Development Standards to allow a building addition that will encroach the minimum side yard setback distance by 10 feet. Watson reported there will be two building additions, the west side addition will encroach the setback and add 4,255 sq ft to the structure. Watson reported the east side addition will extend to the building line and add 2,766 sq ft. Watson reported the petitioner is also requesting to add 4 parking spaces that face north and encroach the building line. 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.

The board had no questions.

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. Taylor motioned to approve Petition # 23-10 subject to all Staff comments and recommendations. Sauerman seconded the motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #23-08 was approved.

23-11 Munster Medical Research Foundation, Petitioner/Owner

Request: Variance from Development Standards

Purpose: Allow Building Height to Exceed 35' and Allow Reduced Parking

Location: 10201 Broadway

Dave Ottie, 15014 W 153rd. Ave., Cedar Lake, IN, came before the Board and provided an overview of the petition. Ottie detailed the variances that they are seeking. Ottie stated they have done the calculations and feel they are more than covered on the parking.

Watson reported the petitioner is requesting a Variance from Development Standards to allow the proposed building to have a height of 52 feet. Watson reported this height would surpass the current regulation of 35 feet by 17 feet. Watson reported the petitioner received a height variance for their medical building just to the south at the October 2016 BZA meeting. Watson reported they are also requesting a reduction of parking spaces from the required 269 spaces to 200 parking spaces. Watson reported they are calculating 158 vehicles per hour for staff and patients. Watson reported this would leave 42 additional spots for change overlap, if approved, the petitioner believes that the unused parking will provide more opportunity for gardens and green-space for the development. Watson reported all notices have been mailed out and a legal notice has been pub-

lished in the newspaper. No letters of remonstrance or support have been received. Watson recommended approval of the petition.

Nochevich asked Irak if it is ok to hear both variances under one petition. Irak stated he already discussed with Watson and sees no issues putting them under one petition.

Marshall asked if this would go before the Tree Board. Ottie confirmed and stated this site will be beautifully landscaped because it is part of the healing process.

Sauerman stated he has no issues with the height variance, but he does have an issue with the parking. Sauerman asked Watson how he came up with the required number of parking spaces. Watson stated the calculations are based off the ordinance. Ottie stated a lot of municipalities use calculations that are based off number of cars per patient rooms but most of the patients coming to this facility will be driven and there will be no additional vehicles. Watson detailed how they have worked with facilities like this one on parking.

Ottie stated the Stroke and Rehab facility next door is lucky if they use 50% of their lot. Sauerman agreed and stated the lot is usually not even half full. Sauerman stated his issue is it doesn't meet the ordinance. Sauerman stated maybe the calculations need to be adjusted. Sauerman asked if they are saving acreage for future development. Ottie stated they plan to make this a medical campus in the future. Sauerman stated he just wants to make sure they do not continue to ask for parking reductions in future phases. Ottie stated they will definitely monitor that because they want to serve their patients and make it convenient for them.

Rohaley stated it may be true that a cancer facility does not need that many parking spaces but what happens down the road if they switch it to a regular hospital or something. Rohaley asked they would need to come back for a change of use and require more parking. Watson confirmed they would. Watson stated the hospital was originally looking to only have 149 spaces but tried to meet in the middle with 200. Rohaley asked Ottie how many spaces the Stroke & Rehab center has. Ottie stated if he had to guess he would say 400. Rohaley agreed that lot is usually not even half full. Rohaley stated the Stroke & Rehab building is a beautiful facility.

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. Sauerman motioned to approve Petition # 23-11 subject to all Staff comments. Rohaley seconded the motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #23-11 was approved.

23-12 KEVKO, LLC, Petitioner/Owner

Request: Variance from Development Standards

Purpose: Allow Building Height to Exceed 35'

Location: 10977 Broadway

Jeff Ban, of DVG, 1.155 Troutwine, came before the Board and provided an overview of the petition. Ban introduced the developer for the project Matt Rossman. Ban detailed the location, surrounding properties, variances received, proposed materials and architectural plans. Ban stated the third floor is a penthouse designed for the ac/heating and to meet the tenants air quality requirements. Ban stated the building was designed to have higher ceilings. Ban provided some examples of other buildings along Broadway that are all above 35' and have not caused a detriment to property values.

Watson reported KEVKO, LLC is requesting a building height variance of 42ft located at 10977 Broadway, just north of the On Broadway Office Plaza. Watson reported the square footage of each building will be 11,883 feet with a height of 42 feet. Watson reported the petitioner received approval to allow development of 2 lot, one of which is not on a public or private street at the January 23, 2023, Board of Zoning Appeals Meeting. The Petitioner received Primary Plat Approval at the March 13th, 2023, Plan Commission Meeting. Watson reported the height variance was sought after it was determined that the site would be required to be sprinkled by the Fire Dept. Watson reported the site plan meets the minimum requirements of the Crown Point Zoning and Subdivision Codes. The site plan was reviewed by the Fire, Utilities and Public Works Departments. 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

Taylor had no questions.

Marshall had no questions.

Sauerman stated he would not have any issues with the height variance as long as the building meets the Williamsburg Design guidelines that is supposed to be followed on the Broadway corridor. Sauerman stated he does not like the building and does not fit the guidelines.

Rohaley stated he understands the design, the mechanics and functionality. Rohaley stated he has no issues with the building.

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. Taylor motioned to approve Petition # 23-12 subject to all Staff comments and recommendations. Rohaley seconded the motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #23-12 was approved.

23-13 Steve DeBold, Petitioner/Barry Levin, Owner

Request: Special Use

Purpose: Allow Retail Tire Sales, Service & Repair in a B-3 Business District

Location: 275 South Superior Drive

Steve DeBold of Chester, Inc., 555 E Court Center Dr., Valparaiso, IN, came before the Board and provided an overview of the petition. DeBold detailed the location, surrounding properties/zoning and the history of the business. DeBold stated when his client bought this property back in 2012 it was always his intention to build a store out within this subdivision. DeBold detailed the property and the tree line between this site and the neighboring residential area.

Watson reported the petitioner is requesting a Special Use permit to operate a Retail Tire Sales and Services business in a B-3 Business zone. Watson reported the petitioner received a favorable workshop response from the plan commission on March 13th, 2023. Watson reported the property is surrounded by B-3 zoning with R-3 to the West. Watson reported it is neighbored by mostly vacant land, a Speedway gas station, and a Dunkin Donuts. Watson reported if approved this will be their second location in Crown Point. Watson reported the Planning Department has received no letters of remonstrance or support. Watson reported the petition received a favorable recommendation by a unanimous vote of 5-0 at the April 24th, 2023, Board of Zoning Appeals Meeting.

Rohaley asked if the tree line DeBold referred to is the ditch. DeBold stated he does not believe there is a ditch along that west side. Rohaley stated he knows there is a ditch.

Sauerman asked about vehicles being stored overnight and asked what the difference was between this and another petition that was sought after in this area that was denied. DeBold stated that was a body shop use and he feels there is a major difference between a body shop and a retail tire site.

Nochevich asked if they will be doing brakes as well. DeBold confirmed.

Marshall stated that a retail tire store is much different than a body shop and when you go past tire shops there are usually no vehicles sitting out in the parking lot overnight. Marshall stated he feels this will be a good addition to Crown Point.

Taylor had no questions.

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

Rohaley asked if someone wants to drop the vehicle off the night before is there a key drop. Jeff Russell, 9500 Indianapolis Blvd., Highland, IN confirmed there is a night dropbox.

Nochevich entertained a motion. Marshall motioned to send a Favorable Recommendation to the City Council for Petition # 23-13. Nochevich seconded the motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #23-13 received a Favorable Recommendation.

23-14 Dover Development, Petitioner/Eastside Property Company, LLC, Owner

Request: Special use

Purpose: Allow Assisted Living & Memory Care Facility in a B-3 Business District

Location: 10255 Broadway

Nick Dwyer of Dover Development, 300 Hunter Ave., St. Louis, MO, and Russ Pozen of DVG, 1155 Troutwine came before the Board. Dwyer provided an overview of the petition. Dwyer detailed the location and overview of the company. Dwyer detailed the design and amenities of the proposed facility. Dwyer provided a rendering of the existing senior living facility they have in Dyer that has been very successful. Dwyer stated he feels the proposed location is a great fit for the community. Dwyer stated they only plan to use about 20 acres of the parcel. Dwyer reported on the Finding of Facts. Dwyer stated the majority of the building is 32' the cupola design is what takes the building to 44'.

Pozen provided some examples of other properties that have received a height variance. Pozen stated this building will be lower than the Community Stroke & Rehab building.

Watson reported the petitioner is requesting a Special Use permit to operate an Assisted Living and Memory Care Facility in a B-3 Business zone. Watson reported the petitioner is surrounded by B-3 zoning and the proposed location is neighbored by mostly vacant land and the Community Stroke and Rehabilitation Hospital to the north. Watson reported the petitioner has a facility in Dyer that is comparable to what they are proposing in Crown Point, their Dyer location has been incredibly successful since its completion. Watson reported Cedarhurst creates communities where each person feels loved, valued, supported and able to live life to the fullest. Watson reported the Planning Department has received no letters of remonstrance or support and recommended approval of the petition.

Taylor had no questions.

Marshall stated he feels this will fit in good in the community.

Sauerman agreed with Marshall and stated their facility in Dyer is very nice. Sauerman asked if the residents would have vehicles. Dwyer stated less than 20% of their assisted living residents drive and none of their memory care residents' drive. Dwyer stated each facility gets a shuttle bus.

Rohaley 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. Rohaley motioned to send a Favorable Recommendation to the City Council for Petition # 23-14. Sauerman seconded the motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #23-14 received a Favorable Recommendation.

23-15 Dover Development, Petitioner/Eastside Property Company, LLC, Owner

Request: Variance from Development Standards

Purpose: Allow Building Height to Exceed 35'

Location: 10255 Broadway

Nick Dwyer of Dover Development, 300 Hunter Ave., St. Louis, MO, came before the Board and provided an overview of the petition.

Rohaley asked Irak if the height of a cupola would qualify as a hardship on a Finding of Fact for a variance. Irak stated he thinks it would.

Nochevich entertained a motion. Marshall motioned to approve Petition # 23-15. Nochevich seconded the motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #23-15 received an approval.

23-16 Nathan Niemeyer, Petitioner/L & N Property Group, Owner

Request: Variance from Development Standards

Purpose: Allow Monument Sign to Exceed 6' in an I-1 Industrial District

Location: 810 North Indiana Avenue

Jessica Niemeyer, 157 W 129th Ave., came before the Board and provided an overview. Niemeyer stated the sign is required to set back further off the intersection due to right of way and they are requesting the additional height to make up for how far back the sign has to sit.

Watson reported the petitioner is requesting a Variance from Development Standards for the max sign height to 17'6". Watson reported due to the right of way flaring at the intersection of Summit Street and Indiana Avenue, and the existing utilities along Summit Street, the sign needs to be set back farther away from the roads, therefore, the request for an increase in signage height. Watson reported the petitioner operates a landscape supply company and is surrounded by I-1 zoning. 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 stated the sign is still in the setback and will need a variance to be located in the setback. Watson stated he did not realize the sign was in the setback. Watson agreed with Rohaley. Rohaley asked if they have to readvertise. Irak stated he would think it would need to be readvertise. Watson asked if they can approve the sign and the location at a later time. Irak confirmed they could approve the sign height and have the location approved later. Niemeyer asked if they would move it back out of the setback if that would work. Irak and the Board agreed it would.

Marshall asked Watson to verify 6' is the max height without a variance. Watson confirmed in an Industrial zone 6' is max. Marshall stated 6' is not a very high sign and doesn't understand only allowing 6' for the sign. Marshall stated he feels the sign is appropriate.

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. Rohaley motioned to approve Petition # 23-16 subject to the height only with the location being approved later. Marshall seconded the motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #23-16 received an approval.

MISCELLANEOUS AND PUBLIC COMMENT

No Misc

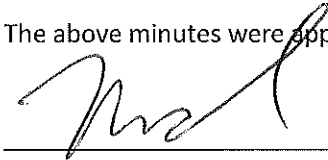
No Public Comment

ADJOURNMENT


At 8:34 pm, Nochevich entertained a motion to adjourn. Rohaley motioned to adjourn; motion was seconded by Marshall.

ATTESTMENT OF MEETING MINUTES.

The above minutes were approved and adopted by the majority on the 22 day of May 2023.



Nick Nochevich, Chairman



Josh Watson, Executive Secretary