MINUTES OF THE BOARD OF
ZONING APPEALS PUBLIC MEETING
SEPTEMBER 28, 2026

I. CALL TO ORDER

The Board of Zoning Appeals Public Meeting was called to order at 6:00 P.M. by Chairman Michael Davis at the Schererville Town Hall, 10 E. Joliet St.

A. Pledge of Allegiance

The Pledge of Allegiance was recited.

B. Roll Call

Roll Call was taken with the following members present: Chairman Michael Davis, Vice-Chairman Tom Kouros, Secretary Michael O'Rourke, Mr. William Jarvis, and Mr. Edward Olszewski. Staff present: Planning & Building Administrator Denise Sulek, Recording Secretary Megan Schiltz, and Attorney Christian Bartholomew. In the audience was Councilman Tom Schmitt. Absent were Town Manager James Gorman and Director of Operations Andrew Hansen.

C. Approve Minutes of July 27, 2026

Mr. Kouros made a motion to approve which was seconded by Mr. Olszewski and carried 5-0.

II. PUBLIC ACTION AND PUBLIC HEARINGS

A. B.Z.A. Case #26-9-31 1950 U.S. 41 – Speedway Gas Station

General Location: 1950 U.S. 41

Petitioner(s): Deaco Group – Lorae Deagon/Chad Strauss

Represented by: Wieser & Wyllie, LLP – Attorney James L. Wieser

Request: Variance of Use as required by Ordinance No. 2004, Title XVI, Section 5, Paragraph C (3)

Purpose: To allow the operation of an automobile service station within the U.S. 41 Commercial Corridor Overlay District

Mr. Davis asked if proofs of publication were in order. Attorney Bartholomew responded that they were. Attorney James L. Wieser from Wieser & Wyllie, LLP represented on behalf of the petitioners for Speedway Gas Station located at 1950 U.S. 41. Attorney Wieser informed the board that Speedway is in the process of doing a nationwide remodel at a number of stores; and that some of the stations were getting to the point where the underground tanks had to be changed out and replaced. Attorney Wieser went on to say that the parcel of land was in metes and bounds description and needed to be subdivided; then added that they had gone before the Plan Commission and had been approved for a 1-Lot Subdivision. Attorney Wieser stated for the record that they had multiple conversations with town staff on how to bring the property into full compliance and came up with four different variances that would be needed. Attorney Wieser then said that this project was a unique situation because the structure itself would not be remodeled or reconstructed; and that only exterior items would need to be accomplished. Attorney Wieser stated that the most important item would be for a Variance of Use because the U.S. 41 Overlay District does not permit automobile service stations; and that the requirement in the ordinance was adopted subsequent to the time that the building/structure and station were built. Attorney Wieser added that they would only have exterior improvements that would not cause harm or be detrimental to the public, and would not devalue anyone's property; it would remain to be a popular site that has been serving the public for many years.

Attorney Wieser reiterated that there were four items that were identified in discussion with town staff that need to be addressed because they are not in compliance with the current Zoning Ordinance or developmental standards in the community. Attorney Wieser said that with **Item**

B the front yard setback in the Overlay District requires that there be a front yard setback of 60' with 20' landscaping; currently the site has a 13' front yard setback and no landscaping. Attorney Wieser went on to say that they request a variance for the setback to remain the same because the configuration of the lot currently provides a good traffic flow with the entrances and exits. Attorney Wieser stated that with **Item C** the outdoor lighting shall be designed so that any overspill of lighting onto adjacent properties will not exceed the candle limitation per the ordinance; and that it was their intent to comply with the ordinance as best they could. Attorney Wieser said that **Item D** has a requirement that the monument sign have a minimum setback of 10' from the public right-of-ways and/or driveways. Attorney Wieser requested to be able to keep the monument sign in the current location; because with the configuration of the property it would be impossible to meet the setback given how compact the lot is. Attorney Wieser mentioned to the board that it will be a new modern sign that would need to remain at the current location; and that it would be a major improvement over the current sign. Attorney Wieser went on to say that **Item E** requires that there be 15 parking stalls, but requests to continue to operate with the 13 stalls they had currently. Attorney Wieser informed the board that the property owner of 1952 U.S. 41 had gone before the Plan Commission with the concern of his 5 parking spaces; and that he told the owner not to worry because it would stay the same. Attorney Wieser stated that this development was a unique situation and that they are attempting to bring the parcel of property into compliance with the exception of a few variances. Mr. Davis opened the matter to the floor. There being no comments from the floor the matter was closed to the floor and returned to the board. Mr. Jarvis said for the record that the monument sign looked excellent compared to the current sign. Attorney Wieser agreed. Mr. Kouros stated that he goes to this site at least twice a week and the requests all sound reasonable. Mr. Jarvis asked if they currently had 13 or 15 parking stalls. Attorney Wieser replied that they currently have 13. Mr. Jarvis asked how many would be handicap spaces. Attorney Wieser replied that however many is required that is what they would have. Mr. Davis asked if there were any more questions or comments from staff or board. There were none. Mr. Olszewski made a favorable recommendation of P.C. Case #26-9-31 to the Town Council. The recommendation was seconded by Mr. Jarvis and carried 5-0.

B. B.Z.A. Case #26-9-32 1950 U.S. 41 – Speedway Gas Station

General Location: 1950 U.S. 41

Petitioner(s): Deaco Group – Lorae Deagon/Chad Strauss

Represented by: Wieser & Wyllie, LLP – Attorney James L. Wieser

Request: Developmental Variance as required by Ordinance No. 2004, Title XI, Section 4, Paragraph C (3)

Purpose: Front Yard Setback 60 feet with a 20-foot landscaping strip along the front right-of-way – Existing 13-foot setback with no landscaping along the front right-of-way

For discussion see **Item A**. Mr. Jarvis made a motion to approve P.C. Case #26-9-32 pursuant to all State, Local, and Federal regulations; and that all fees paid to the Town of Schererville be kept current. The motion was seconded by Mr. Kouros and carried 5-0.

C. B.Z.A. Case #26-9-33 1950 U.S. 41 – Speedway Gas Station

General Location: 1950 U.S. 41

Petitioner(s): Deaco Group – Lorae Deagon/Chad Strauss

Represented by: Wieser & Wyllie, LLP – Attorney James L. Wieser

Request: Developmental Variance as required by Ordinance No. 2004, Title XVII, Section 15, Paragraph E (4)

Purpose: Outdoor lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed three-tenths (3/10) foot candles measured vertically and three-tenths (3/10) horizontally onto adjacent properties

For discussion see **Item A**. Mr. Kouros made a motion to approve P.C. Case #26-9-33 pursuant to all State, Local, and Federal regulations; and that all fees paid to the Town of Schererville be kept current. The motion was seconded by Mr. Olszewski and carried 5-0.

D. B.Z.A. Case #26-9-34 1950 U.S. 41 – Speedway Gas Station

General Location: 1950 U.S. 41

Petitioner(s): Deaco Group – Lorae Deagon/Chad Strauss

Represented by: Wieser & Wyllie, LLP – Attorney James L. Wieser

Request: Developmental Variance as required by Ordinance No. 2004, Title XIX, Section 6, Paragraph C (2)

Purpose: Monument Sign Setback Minimum of 10-feet from all public right-of-ways and/or driveways – Requesting 1'

For discussion see **Item A**. Mr. Jarvis made a motion to approve P.C. Case #26-9-34 pursuant to all State, Local, and Federal regulations; and that all fees paid to the Town of Schererville be kept current. The motion was seconded by Mr. Kouros and carried 5-0.

E. B.Z.A. Case #26-9-35 1950 U.S. 41 – Speedway Gas Station

General Location: 1950 U.S. 41

Petitioner(s): Deaco Group – Lorae Deagon/Chad Strauss

Represented by: Wieser & Wyllie, LLP – Attorney James L. Wieser

Request: Developmental Variance as required by Ordinance No. 2004, Title XX, Section 4, Paragraph D (2)

Purpose: 15 Parking Stalls Required – Provided 13

For discussion see **Item A**. Mr. Kouros made a motion to approve P.C. Case #26-9-35 pursuant to all State, Local, and Federal regulations; and that all fees paid to the Town of Schererville be kept current. The motion was seconded by Mr. Olszewski and carried 5-0.

III. COMMISSION BUSINESS

A. Findings of Facts:

1. B.Z.A. Case #26-7-30 730 65th Ave. – Firestone Complete Auto Repair Station and Tire Store

Variance of Use as required by Ordinance No. 2004, Title XVI, Section 5 Paragraph C (3)- To allow the operation of an automobile repair station and tire center to be located within the U.S. 41 Commercial Corridor

FAVORABLE RECOMMENDATION TO THE TOWN COUNCIL (4-1) 7/27/26

Mr. Kouros made a motion to approve which was seconded by Mr. Olszewski and carried 5-0.

B. Correspondence

There was no correspondence.

IV. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:24 P.M.

Respectfully Submitted:

Michael O'Rourke, Secretary