

**MINUTES OF THE
BOARD OF ZONING APPEALS
PUBLIC MEETING
June 28, 2021**

I. CALL TO ORDER

The Board of Zoning Appeals Public Meeting was called to order by Chairman Tom Kouros at 6:02 P.M. 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 Tom Kouros, Vice-Chairman William Jarvis, and Mr. Michael Davis. Staff present: Director of Operations James Gorman, Planning Coordinator/Office Manager Denise Sulek, Recording Secretary Norma Hollingsworth Rico, Attorney Alfredo Estrada, and Councilman Tom Schmitt. Absent were Town Manager Robert Volkmann, Mr. Eric Kundich, Mr. Rick Calinski and Councilman Caleb Johnson.

C. Approve Minutes of the Board of Zoning Appeals Meeting of April 26, 2021

Mr. William Jarvis made a motion to approve which was seconded by Mr. Michael Davis and carried 3-0.

II. PUBLIC ACTION AND PUBLIC HEARINGS

A. B.Z.A. Case #21-6-9 1277 Hollyhock Ln. – Stephen Collins

General Location: 1277 Hollyhock Ln. – Lot 71, Estates of Auburn Meadow, Phase 1

Petitioner(s): Power Home Solar – Mike Johnson

Request: Developmental Variance as required by Ordinance No. 1797, Title XVII, Section 22, Paragraph C (3)

Purpose: To allow 256.2 S.F. of roof-mounted solar panels (80 S.F. Maximum Allowed)

Mr. Mike Johnson from Power Home Solar 52250 Woods Edge Dr., Grainger, IN. represented the Petitioners. Attorney Estrada confirmed that the Proofs of Publication are in order.

Chairman Kouros stated that the solar panels would be going on the back of the home, and asked how many panels there would be. Mr. Johnson replied that it would be thirteen panels. Chairman Kouros asked for questions from the Board members before opening the matter to the floor. Mr. Davis asked if there had been any questions from any of the neighbors about solar installation and any concerns from them. Mr. Johnson replied that they have had other neighbors question as well, but that they have not gotten any negative feedback from them. Mr. Johnson added that it has been a pretty positive experience with the neighbors thus far.

Chairman Kouros opened the matter to the floor. There being no questions or comments, the matter was returned to the Board. Mr. Jarvis asked what Mr. Johnson saw as a hardship for this property with going with the solar panels. Mr. Johnson said that they have been doing this for six years now and that their team is fully trained and that they know exactly what to do. Mr. Johnson said that as far as hardships go, it's a matter of seeking approval from the Board and that the electric company didn't have any issues or problems. Mr. Jarvis asked what was preventing them from limiting the panels to 80 S.F. on this particular property. Mr. Johnson explained that the size of the panels are 3' x 5' and that they need thirteen panels to offset this customer's electric bill from last year which is why they are over the allotted square footage. Mr. Jarvis asked if it was economically better to have this many panels versus what the Town allows. Mr. Johnson replied yes, and elaborated that they customize everybody's home and panels to their particular situation. Mr. Johnson said based on the customer's electric usage from last

year, he would need thirteen panels to make that same amount. Mr. Johnson added that it is helping him to eliminate his electric bill.

Chairman Kouros asked if every home of this same size would take thirteen panels. Mr. Johnson replied not necessarily; and explained that this customer has two small children and an older son that live with him, and that it just depends on their usage. Mr. Johnson said that every house is different; and that if you have a home that has a modem and a server that is running twenty-four hours a day, they will use a lot more power than an older couple that are very conservative with their electric usage. Chairman Kouros asked if thirteen panels would be the average for a family of four. Mr. Johnson replied that between thirteen to eighteen is kind of the average and on the low side. Chairman Kouros asked what was the most amount of panels he has ever put on a home. Mr. Johnson replied that they had a residential home that was a farm, and that they put sixty-three panels on it because they used a lot of electricity. Mr. Davis asked what the amount was. Mr. Johnson replied that it was sixty-three panels that were placed on the side of the customer's barn and that they were all south facing. Mr. Johnson added that sixty three is the max they use based on what the electric companies will allow.

Mr. Jarvis asked if this homeowner was planning on having battery storage. Mr. Johnson replied yes that he will have a Generac back-up battery system that will be in the customer's basement. Mr. Jarvis said that he can store it during the day and he can use it during the hours in the night. Mr. Johnson said that is correct; and added that it will also power his home if the power goes out at night and will run his refrigerator, Wi-Fi, a freezer out in the garage, and his living room. Mr. Jarvis asked if the solar panels aren't producing if the Generac stored power from the utility. Mr. Johnson replied that it does not store power from the utility company and only stores what the panels make. Chairman Kouros asked for confirmation that only what the panels make are stored in the Generac. Mr. Johnson replied correct. Chairman Kouros said if the power does go out, the Generac is using the stored power from the panels. Mr. Johnson said yes.

Chairman Kouros asked if there was no utility bill. Mr. Johnson explained that they will still have a meter fee which he believes is \$13.50, and that maybe some months in the summer they will have a small electric bill of possibly \$20 to \$30; but during the winter, the electric bill will pretty much be gone. Chairman Kouros asked how long until they wean off of the electric company once the panels are installed; and asked if it was instant after a week or so. Mr. Johnson replied that it is from day one. Mr. Johnson explained that as soon as they get permission from the Board, get the meter swapped out from NIPSCO with an installed two-way meter, once that is in place they will be granted permission from the electric company, then the local inspector comes out to make sure the work is up to code, then he will be able to start using the system on a daily basis. Chairman Kouros asked if it would be the County inspector. Mr. James Gorman stated that it will be the town's inspector.

Mr. Jarvis asked if it was a different meter to prevent the electricity going back into NIPSCO's lines so that a lineman can't be electrocuted, and asked if that was what prevents that. Mr. Johnson said that it's not necessarily the meter, but the inverter that is on the side of the home which is made by Generac as well. Mr. Johnson explained that it is a smart system and should recognize when the power is down from NIPSCO, it shuts itself off so it will not send any power back out so that it won't shock the lineman. Mr. Jarvis asked if this all carries UL approval. Mr. Johnson replied yes.

Chairman Kouros asked if there were any other questions or course of action. Mr. Jarvis said that prior to making his motion, he would like to discuss a few things. Mr. Jarvis stated that he doesn't feel this will be injurious to the public health, safety, welfare of the general community; that the value of the adjacent property would not be hindered by this petition; the need arises from the fact that 80 S.F. would not be conducive to creating enough electricity; the application constitutes an unnecessary hardship; and the approval does not interfere with the town's comprehensive plan. With that said, Mr. Jarvis made a motion to approve B.Z.A. Case #21-6-9 pursuant to all State, Local, and Federal Regulations. This was seconded by Mr. Davis and carried 3-0.

B. B.Z.A. Case #21-6-10 1525 U.S. 41, Suite C-34 – Proposed: Happiness Is Pets

General Location: 1525 U.S. 41, Suite C-34 – The Crossroads, Lot 2

Petitioner(s): Happiness Is Pets – John Berning/Chris Berning

Request: Variance of Use as required by Ordinance No. 1797, Title XI, Section 2

Purpose: To allow a retail pet shop.

Chairman Kouros confirmed with Attorney Estrada that the Proofs of Publication were in order.

Mr. Jon Berning from Happiness Is Pets along with Chris Berning, both from Naperville, IL represented the Petitioners. Mr. Jon Berning stated that they had already received an approval a few years ago, but that due to COVID, they didn't follow through. Mr. Jon Berning explained that this is a family owned business that has been in operation since 1987; and that they currently have five locations in the Chicago suburbs and they want to expand their operation by opening the new location in Schererville.

Mr. Jon Berning pointed out that all of their breeders that require licensing are licensed with the Indiana Board of Animal Health and the United States Department of Agriculture. Mr. Jon Berning explained that Canine Care is a relatively new comprehensive dog breeding standards program written by the Purdue University Center for Animal Welfare Sciences which ensures that dogs are being bred in a humane and safe environment; that all of their physical and emotional needs are met; and that the standards of the program are by far the most stringent dog breeding standards in the United States. Mr. Jon Berning added that they take part in the newly formed Dog Breeder Advisory Committee at Purdue.

Mr. Jon Berning stated that they concentrate in offering special team pure-bred puppies; and that all of the puppies are up to date on their shots, come with a free veterinary examination, a thirty day health guarantee that covers free veterinary care, as well as a four-year health warranty for any life threatening congenital defects. Mr. Jon Berning pointed out that their stores are built to maintain the noise so that little to no sound is distinguishable outside of the store, and that there would be a sound deadening wall on the interior wall of the kennel area as well as a sound deadening ceiling mat in the kennel area.

Chairman Kouros asked if there were any questions before opening the matter to the floor. Mr. Davis asked if the sound deadening wall was already in existence or if they would be installing that upon approval. Mr. Jon Berning replied that they would be installing it upon approval. Mr. Davis asked if that wall would contain the noise. Mr. Justin Berning replied that it is a 2' x 6' wall and is heavily insulated and would be installed on the adjacent wall shared with Walmart.

Mr. Davis asked if they had a store in Naperville. Mr. Jon Berning replied that they do not. Mr. Davis then asked what their appeal was for coming to northwest Indiana. Mr. Jon Berning replied that there is a need in this area, and that their breeders are all within one-hundred-twenty-miles of Schererville.

Mr. Kouros asked how many puppies they would carry at a time. Mr. Jon Berning replied approximately forty. Chairman Kouros then opened the matter to the floor. There being no questions or comments from the floor, the matter was returned back to the board. Mr. Jarvis confirmed with Mr. Jon Berning that they would only carry dogs and no cats. Mr. Jarvis asked about the warranty. Mr. Jon Berning said that they have a working relationship with Dr. John Coyne at Coyne Veterinary Clinic in St. John, and that veterinary care is only a few miles away, and that they stand behind their warranty. Mr. Jarvis asked why there was a need in Schererville. Mr. Justin Berning said that Schererville is a good town and that there is nothing currently in this area for the people of the community.

There being no further questions, Chairman Kouros asked for a Course of Action. Mr. William Jarvis made a favorable recommendation to the Town Council with discussion. Mr. Jarvis said that he does not feel it will be injurious to the public health, safety, morals, or the general welfare of the community; that the value of the adjacent area will not be hindered whatsoever because it is right next to Walmart and has been vacant; that the need for the variance arises because there is no other dog store in the area; and that it will not affect our comprehensive plan whatsoever. This was seconded by Mr. Davis and carried 3-0.

III. COMMISSION BUSINESS

A. Findings of Fact:

1. B.Z.A. Case #21-4-8 11445 Jonathan Dr. – Milosh R. & Kelly Pujo
Petitioner(s): Power Home Solar, L.L.C. – Tracy Lett
Developmental Variance as required by Ordinance No. 1797, Title XVII, Section 22,
Paragraph C (3) – To allow 256.2 S.F. of roof-mounted solar panels
APPROVED W/CONDITIONS (3-0) 4/26/21
Motion to approve by Mr. Jarvis which was seconded by Mr. Davis and carried 3-0.

B. Correspondence

Ms. Sulek stated that there was no correspondence.

IV. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:28 P.M.

Respectfully Submitted:



Rick Calinski, Secretary