



Town of Schererville

PLANNING AND BUILDING DEPARTMENT

AGENDA
BOARD OF ZONING APPEALS PUBLIC MEETING
MONDAY, JANUARY 26, 2026
PUBLIC MEETING – 6:00 P.M.
10 EAST JOLIET ST., SCHERERVILLE, IN

Town Council Appointed
**BOARD OF ZONING
APPEALS**
4-Year Terms

Michael Davis 2025 Chairman 1/1/2022-12/31/2025	Tom Kouras 2025 Vice Chairman 1/1/2023 -12/31/2026
Richard Calinski 2025 Secretary 1/1/2024 – 12/31/2027	William Jarvis 2025 Member 1/1/2023 –12/31/2026
Michael O'Rourke 2025 Member 1/1/2025 – 12/31/2028	

I. CALL TO ORDER

A. Pledge of Allegiance

II. COMMISSION BUSINESS

A. Introduction of New Member

B. Election of Officers

C. Appointment of Attorney

D. Approve Minutes of the Board of Zoning Appeals Meeting of November 24, 2025

III. PUBLIC ACTION AND PUBLIC HEARINGS

A. B.Z.A. Case #26-1-1 2601 Morningside Dr. – Morningside, LLC

General Location: 2601 Morningside Dr. – Lots 84, 85, and 86, except the South
64.53 feet of Lot 86, Plat of Correction, Harvest Manor, Unit 1,
Section Number 3

Petitioner(s): Morningside, LLC

Represented by: Attorney Jared Tauber, Tauber Law and Engineer James Hus, Jr.,
DVG Team, Inc.

Request: Variance of Use as required by Ordinance No. 2004, Title VI, Section 1

Purpose: To allow a multiple family dwelling consisting of sixteen (16)
independent units (Maximum allowed 4-units within an (R-3) Multi-
family Zoning District

FAVORABLE _____ UNFAVORABLE _____ NO RECOMMENDATION _____

10 EAST JOLIET STREET • SCHERERVILLE, IN 46375

PHONE (219) 322-2211 • FAX (219) 865-5504

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B. B.Z.A. Case #26-1-2 2601 Morningside Dr. - Lots 84, 85, and 86, except the South 64.53 feet of Lot 86, Plat of Correction, Harvest Manor, Unit 1, Section Number 3

Petitioner(s): Morningside, LLC

Represented by: Attorney Jared Tauber, Tauber Law and Engineer James Hus, Jr., DVG Team, Inc.

Request: Developmental Variance as required by Ordinance No. 2004, Title VI, Section 4, Paragraph C (1) Side Yards – On each interior lot, there shall be two (2) side yards, with a minimum aggregate width of twenty percent (20%) of the lot width, but with no single side yard being less than seven (7') in width

Purpose: To allow 0-foot side yards

APPROVED _____ DEFERRED _____ DENIED _____

C. B.Z.A. Case #26-1-3 2601 Morningside Dr. - Lots 84, 85, and 86, except the South 64.53 feet of Lot 86, Plat of Correction, Harvest Manor, Unit 1, Section Number 3

Petitioner(s): Morningside, LLC

Represented by: Attorney Jared Tauber, Tauber Law and Engineer James Hus, Jr., DVG Team, Inc.

Request: Developmental Variance as required by Ordinance No. 2004, Title VI, Section 4, Paragraph E (1) Lot Coverage – The maximum percentage of area of each lot which may be occupied by buildings shall be thirty percent (30%)

Purpose: To allow thirty-five percent (35%) lot coverage

APPROVED _____ DEFERRED _____ DENIED _____

D. B.Z.A. Case #26-1-4 2601 Morningside Dr. - Lots 84, 85, and 86, except the South 64.53 feet of Lot 86, Plat of Correction, Harvest Manor, Unit 1, Section Number 3

Petitioner(s): Morningside, LLC

Represented by: Attorney Jared Tauber, Tauber Law and Engineer James Hus, Jr., DVG Team, Inc.

Request: Developmental Variance as required by Ordinance No. 2004, Title VI, Section 4, Paragraph E (2) Lot Coverage – There shall be a minimum two-foot (2') wide green strip along the rear and side lot lines, as measured from the building line, in all lots in this zoning district

Purpose: To not provide this green strip along the rear and side lot lines

APPROVED _____ DEFERRED _____ DENIED _____

E. B.Z.A. Case #26-1-5 2601 Morningside Dr. - Lots 84, 85, and 86, except the South 64.53 feet of Lot 86, Plat of Correction, Harvest Manor, Unit 1, Section Number 3

Petitioner(s): Morningside, LLC

Represented by: Attorney Jared Tauber, Tauber Law and Engineer James Hus, Jr., DVG Team, Inc.

Request: Developmental Variance as required by Ordinance No. 2004, Title VI, Section 5, Paragraph B (1) Building Size – Accessory Building – For multi-family buildings in this zoning district, accessory buildings shall not exceed a floor area of one hundred (100) square feet per dwelling unit, or four hundred (400) square feet for each zoning lot. Such storage shall be located in a single accessory structure that serves the entire residential building

Purpose: To all two (2) accessory buildings, 2,600 square feet each. The combined accessory buildings will exceed the allowable size by 4,800 square feet

APPROVED _____ DEFERRED _____ DENIED _____

F. B.Z.A. Case #26-1-6 2601 Morningside Dr. - Lots 84, 85, and 86, except the South 64.53 feet of Lot 86, Plat of Correction, Harvest Manor, Unit 1, Section Number 3

Petitioner(s): Morningside, LLC

Represented by: Attorney Jared Tauber, Tauber Law and Engineer James Hus, Jr., DVG Team, Inc.

Request: Developmental Variance as required by Ordinance No. 2004, Title VI, Section 6 - Off-Street Parking – There shall be at least two (2) parking spaces for each dwelling unit in this zoning district. No open parking lot shall be located in the front yard of the lot. All other off-street parking requirements for this zoning district shall be in accordance with the provisions set forth in Title XX (Off-Street Parking and Off-Street Loading) of this Ordinance

Purpose: To provide 31-parking spaces, including garages, which is deficient with respect to the regulation by 1-space

APPROVED _____ DEFERRED _____ DENIED _____

G. B.Z.A. Case #26-1-7 2601 Morningside Dr. - Lots 84, 85, and 86, except the South 64.53 feet of Lot 86, Plat of Correction, Harvest Manor, Unit 1, Section Number 3

Petitioner(s): Morningside, LLC

Represented by: Attorney Jared Tauber, Tauber Law and Engineer James Hus, Jr., DVG Team, Inc.

Request: Developmental Variance as required by Ordinance No. 2004, Title XVII, Section 15, Paragraph C (1) Residential Lighting Standards – Light fixtures shall be shielded, or cut-off fixtures designated in a manner that limits visible lighting onto neighboring properties.

Purpose: To allow three (3) non-shielded and non-cut off light fixtures for the purpose of pedestrian illumination and safety.

APPROVED _____ DEFERRED _____ DENIED _____

- H. B.Z.A. Case #26-1-8 2601 Morningside Dr. - Lots 84, 85, and 86, except the South 64.53 feet of Lot 86, Plat of Correction, Harvest Manor, Unit 1, Section Number 3

Petitioner(s): Morningside, LLC

Represented by: Attorney Jared Tauber, Tauber Law and Engineer James Hus, Jr., DVG Team, Inc.

Request: Developmental Variance as required by Ordinance No. 2004, Title XVII, Section 17, Paragraph B Dumpster/Recycling Box Regulations – Dumpsters and recycling boxes shall always be placed on a paved surface and shall be screened from view as outlined in Title XVIII (Landscaping Regulations)

Purpose: To allow the dumpster/recycling box to be unscreened from view

APPROVED _____ DEFERRED _____ DENIED _____

- I. B.Z.A. Case #26-1-9 2633 Morningside Dr. – South 64.53 Feet of Lots 86 and all of Lot 87 and Lot 88, Plat of Correction, Harvest Manor, Unit 1, Section Number 3

Petitioner(s): Morningside, LLC

Represented by: Attorney Jared Tauber, Tauber Law and Engineer James Hus, Jr., DVG Team, Inc.

Request: Variance of Use as required by Ordinance No. 2004, Title VI, Section 1

Purpose: To allow a multiple family dwelling consisting of sixteen (16) independent units (Maximum allowed 4-units within an (R-3) Multi-family Zoning District

FAVORABLE _____ UNFAVORABLE _____ NO RECOMMENDATION _____

J. B.Z.A. Case #26-1-10 2633 Morningside Dr. – South 64.53 Feet of Lots 86 and all of Lot 87 and Lot 88, Plat of Correction, Harvest Manor, Unit 1, Section Number 3

Petitioner(s): Morningside, LLC

Represented by: Attorney Jared Tauber, Tauber Law and Engineer James Hus, Jr., DVG Team, Inc.

Request: Developmental Variance as required by Ordinance No. 2004, Title VI, Section 4, Paragraph C (1) Side Yards – On each interior lot, there shall be two (2) side yards, with a minimum aggregate width of twenty percent (20%) of the lot width, but with no single side yard being less than seven (7') in width

Purpose: To allow 0-foot side yards

APPROVED _____ DEFERRED _____ DENIED _____

K. B.Z.A. Case #26-1-11 2633 Morningside Dr. - . – South 64.53 Feet of Lots 86 and all of Lot 87 and Lot 88, Plat of Correction, Harvest Manor, Unit 1, Section Number 3

Petitioner(s): Morningside, LLC

Represented by: Attorney Jared Tauber, Tauber Law and Engineer James Hus, Jr., DVG Team, Inc.

Request: Developmental Variance as required by Ordinance No. 2004, Title VI, Section 4, Paragraph E (1) Lot Coverage – The maximum percentage of area of each lot which may be occupied by buildings shall be thirty percent (30%)

Purpose: To allow thirty-five percent (35%) lot coverage

APPROVED _____ DEFERRED _____ DENIED _____

- L. B.Z.A. Case #26-1-12 2633 Morningside Dr. – South 64.53 Feet of Lots 86 and all of Lot 87 and Lot 88, Plat of Correction, Harvest Manor, Unit 1, Section Number 3

Petitioner(s): Morningside, LLC

Represented by: Attorney Jared Tauber, Tauber Law and Engineer James Hus, Jr., DVG Team, Inc.

Request: Developmental Variance as required by Ordinance No. 2004, Title VI, Section 4, Paragraph E (2) Lot Coverage – There shall be a minimum two-foot (2') wide green strip along the rear and side lot lines, as measured from the building line, in all lots in this zoning district

Purpose: To not provide this green strip along the rear and side lot lines

APPROVED _____ DEFERRED _____ DENIED _____

- M. B.Z.A. Case #26-1-13 2633 Morningside Dr. - South 64.53 Feet of Lots 86 and all of Lot 87 and Lot 88, Plat of Correction, Harvest Manor, Unit 1, Section Number 3

Petitioner(s): Morningside, LLC

Represented by: Attorney Jared Tauber, Tauber Law and Engineer James Hus, Jr., DVG Team, Inc.

Request: Developmental Variance as required by Ordinance No. 2004, Title VI, Section 5, Paragraph B (1) Building Size – Accessory Building – For multi-family buildings in this zoning district, accessory buildings shall not exceed a floor area of one hundred (100) square feet per dwelling unit, or four hundred (400) square feet for each zoning lot. Such storage shall be located in a single accessory structure that serves the entire residential building

Purpose: To all two (2) accessory buildings, 2,050 square feet each. The combined accessory buildings will exceed the allowable size by 3,700 square feet

APPROVED _____ DEFERRED _____ DENIED _____

- N. B.Z.A. Case #26-1-14 2633 Morningside Dr. - South 64.53 Feet of Lots 86 and all of Lot 87 and Lot 88, Plat of Correction, Harvest Manor, Unit 1, Section Number 3

Petitioner(s): Morningside, LLC

Represented by: Attorney Jared Tauber, Tauber Law and Engineer James Hus, Jr., DVG Team, Inc.

Request: Developmental Variance as required by Ordinance No. 2004, Title VI, Section 6 Off-Street Parking – There shall be at least two (2) parking spaces for each dwelling unit in this zoning district. No open parking lot shall be located in the front yard of the lot. All other off-street parking requirements for this zoning district shall be in accordance with the provisions set forth in Title XX (Off-Street Parking and Off-Street Loading) of this Ordinance

Purpose: To provide 27-parking spaces, including garages, which is deficient with respect to the regulation by 5-spaces

APPROVED _____ DEFERRED _____ DENIED _____

- O. B.Z.A. Case #26-1-15 2633 Morningside Dr. - South 64.53 Feet of Lots 86 and all of Lot 87 and Lot 88, Plat of Correction, Harvest Manor, Unit 1, Section Number 3

Petitioner(s): Morningside, LLC

Represented by: Attorney Jared Tauber, Tauber Law and Engineer James Hus, Jr., DVG Team, Inc.

Request: Developmental Variance as required by Ordinance No. 2004, Title XVII, Section 15, Paragraph C (1) Residential Lighting Standards – Light fixtures shall be shielded, or cut-off fixtures designated in a manner that limits visible lighting onto neighboring properties.

Purpose: To allow three (3) non-shielded and non-cut off light fixtures for the purpose of pedestrian illumination and safety.

APPROVED _____ DEFERRED _____ DENIED _____

- P. B.Z.A. Case #26-1-16 2633 Morningside Dr. - South 64.53 Feet of Lots 86 and all of Lot 87 and Lot 88, Plat of Correction, Harvest Manor, Unit 1, Section Number 3

Petitioner(s): Morningside, LLC

Represented by: Attorney Jared Tauber, Tauber Law and Engineer James Hus, Jr., DVG Team, Inc.

Request: Developmental Variance as required by Ordinance No. 2004, Title XVII, Section 17, Paragraph B Dumpster/Recycling Box Regulations – Dumpster and recycling boxes shall always be placed on a paved surface and shall be screened from view as outlined in Title XVIII (Landscaping Regulations)

Purpose: To allow the dumpster/recycling box to be unscreened from view

APPROVED _____

DEFERRED _____

DENIED _____

IV. **COMMISSION BUSINESS:**

A. Findings of Facts:

1. B.Z.A. Case #25-12-20
751 Lincoln Hwy. (Proposed: Family Express w/Retail Center)
Petitioner(s): Family Express Corporation – Patrick Lyp, General Counsel and Pete Andreou, Vice President of Development
Represented by: Attorney James Wieser, Wieser & Wyllie, LLP and Engineer James Hus, Jr., DVG Team, Inc.
* Lot 1 is requesting a 33' minimum front yard and a minimum 0' landscaped strip with respect to US 30 APPROVED (4-0) 12/8/25
2. B.Z.A. Case #25-12-21
751 Lincoln Hwy. (Proposed: Family Express w/Retail Center)
Petitioner(s): Family Express Corporation – Patrick Lyp, General Counsel and Pete Andreou, Vice President of Development
Represented by: Attorney James Wieser, Wieser & Wyllie, LLP and Engineer James Hus, Jr., DVG Team, Inc.
* Lot 1 is requesting a 134' maximum front yard and a minimum 0' landscaped strip with respect to Cline Avenue APPROVED (4-0) 12/8/25
3. B.Z.A. Case #25-12-22
751 Lincoln Hwy. (Proposed: Family Express w/Retail Center)
Petitioner(s): Family Express Corporation – Patrick Lyp, General Counsel and Pete Andreou, Vice President of Development
Represented by: Attorney James Wieser, Wieser & Wyllie, LLP and Engineer James Hus, Jr., DVG Team, Inc.
* Lot 2 is requesting a 113' maximum front yard and a minimum 2' landscaped strip with respect to US30 APPROVED (4-0) 12/8/25

4. B.Z.A. Case #25-12-23
751 Lincoln Hwy. (Proposed: Family Express w/Retail Center)
Petitioner(s): Family Express Corporation – Patrick Lyp, General Counsel and
Pete Andreou, Vice President of Development
Represented by: Attorney James Wieser, Wieser & Wyllie, LLP and
Engineer James Hus, Jr., DVG Team, Inc.
*Lot 3 is requesting a 17' rear yard APPROVED (4-0) 12/8/25
5. B.Z.A. Case #25-12-24
751 Lincoln Hwy. (Proposed: Family Express w/Retail Center)
Petitioner(s): Family Express Corporation – Patrick Lyp, General Counsel and
Pete Andreou, Vice President of Development
Represented by: Attorney James Wieser, Wieser & Wyllie, LLP and
Engineer James Hus, Jr., DVG Team, Inc.
*Lot 1 is requesting 95% lot coverage APPROVED (4-0) 12/8/25
6. B.Z.A. Case #25-12-25
751 Lincoln Hwy. (Proposed: Family Express w/Retail Center)
Petitioner(s): Family Express Corporation – Patrick Lyp, General Counsel and
Pete Andreou, Vice President of Development
Represented by: Attorney James Wieser, Wieser & Wyllie, LLP and
Engineer James Hus, Jr., DVG Team, Inc.
*Lot 3 is requesting 85% lot coverage APPROVED (4-0) 12/8/25
7. B.Z.A. Case #25-12-26
751 Lincoln Hwy. (Proposed: Family Express w/Retail Center)
Petitioner(s): Family Express Corporation – Patrick Lyp, General Counsel and
Pete Andreou, Vice President of Development
Represented by: Attorney James Wieser, Wieser & Wyllie, LLP and
Engineer James Hus, Jr., DVG Team, Inc.
*Lot 1 is requesting a waiver to use the existing building façade and to modify the
eastern and western faces of the Lot 1 building APPROVED (4-0) 12/8/25
8. B.Z.A. Case #25-12-27
751 Lincoln Hwy. (Proposed: Family Express w/Retail Center)
Petitioner(s): Family Express Corporation – Patrick Lyp, General Counsel and
Pete Andreou, Vice President of Development
Represented by: Attorney James Wieser, Wieser & Wyllie, LLP and
Engineer James Hus, Jr., DVG Team, Inc.
*Lot 1 is to provide an approximately 35% glass coverage with glass extending
beyond height limits, matching the Von Tobel frontage APPROVED (4-0) 12/8/25

9. B.Z.A. Case #25-12-28
751 Lincoln Hwy. (Proposed: Family Express w/Retail Center)
Petitioner(s): Family Express Corporation – Patrick Lyp, General Counsel and
Pete Andreou, Vice President of Development
Represented by: Attorney James Wieser, Wieser & Wyllie, LLP and
Engineer James Hus, Jr., DVG Team, Inc.
*Lot 1 is requesting to have blank walls extending beyond this amount on its non-
front faces (north and south) APPROVED (4-0) 12/8/25
10. B.Z.A. Case #25-12-29
751 Lincoln Hwy. (Proposed: Family Express w/Retail Center)
Petitioner(s): Family Express Corporation – Patrick Lyp, General Counsel and
Pete Andreou, Vice President of Development
Represented by: Attorney James Wieser, Wieser & Wyllie, LLP and
Engineer James Hus, Jr., DVG Team, Inc.
*Lot 2 is requesting to have blank walls on its east face APPROVED (4-0) 12/8/25
11. B.Z.A. Case #25-12-30
751 Lincoln Hwy. (Proposed: Family Express w/Retail Center)
Petitioner(s): Family Express Corporation – Patrick Lyp, General Counsel and
Pete Andreou, Vice President of Development
Represented by: Attorney James Wieser, Wieser & Wyllie, LLP and
Engineer James Hus, Jr., DVG Team, Inc.
*Lot 1 is requesting to have its loading area located in the side yard
APPROVED (4-0) 12/8/25
12. B.Z.A. Case #25-12-31
751 Lincoln Hwy. (Proposed: Family Express w/Retail Center)
Petitioner(s): Family Express Corporation – Patrick Lyp, General Counsel and
Pete Andreou, Vice President of Development
Represented by: Attorney James Wieser, Wieser & Wyllie, LLP and
Engineer James Hus, Jr., DVG Team, Inc.
*Lot 2 is requesting to have its loading area located in the side yard
APPROVED (4-0) 12/8/25
13. B.Z.A. Case #25-12-32
751 Lincoln Hwy. (Proposed: Family Express w/Retail Center)
Petitioner(s): Family Express Corporation – Patrick Lyp, General Counsel and
Pete Andreou, Vice President of Development
Represented by: Attorney James Wieser, Wieser & Wyllie, LLP and
Engineer James Hus, Jr., DVG Team, Inc.
*Lot 1 requesting one public entrance for 170' of frontage, on its east and west faces
APPROVED (4-0) 12/8/25

14. B.Z.A. Case #25-12-33
751 Lincoln Hwy. (Proposed: Family Express w/Retail Center)
Petitioner(s): Family Express Corporation – Patrick Lyp, General Counsel and
Pete Andreou, Vice President of Development
Represented by: Attorney James Wieser, Wieser & Wyllie, LLP and
Engineer James Hus, Jr., DVG Team, Inc.
*Lot 1 is requesting a waiver from this requirement APPROVED (4-0) 12/8/25
15. B.Z.A. Case #25-12-34
751 Lincoln Hwy. (Proposed: Family Express w/Retail Center)
Petitioner(s): Family Express Corporation – Patrick Lyp, General Counsel and
Pete Andreou, Vice President of Development
Represented by: Attorney James Wieser, Wieser & Wyllie, LLP and
Engineer James Hus, Jr., DVG Team, Inc.
*Lot 2 is requesting a waiver from this requirement APPROVED (4-0) 12/8/25
16. B.Z.A. Case #25-12-35
751 Lincoln Hwy. (Proposed: Family Express w/Retail Center)
Petitioner(s): Family Express Corporation – Patrick Lyp, General Counsel and
Pete Andreou, Vice President of Development
Represented by: Attorney James Wieser, Wieser & Wyllie, LLP and
Engineer James Hus, Jr., DVG Team, Inc.
*Lot 3 is requesting a waiver from this requirement APPROVED (4-0) 12/8/25
17. B.Z.A. Case #25-12-36
751 Lincoln Hwy. (Proposed: Family Express w/Retail Center)
Petitioner(s): Family Express Corporation – Patrick Lyp, General Counsel and
Pete Andreou, Vice President of Development
Represented by: Attorney James Wieser, Wieser & Wyllie, LLP and
Engineer James Hus, Jr., DVG Team, Inc.
*Lot 1 requesting two curb cuts, both are existing APPROVED (4-0) 12/8/25
18. B.Z.A. Case #25-12-37
751 Lincoln Hwy. (Proposed: Family Express w/Retail Center)
Petitioner(s): Family Express Corporation – Patrick Lyp, General Counsel and
Pete Andreou, Vice President of Development
Represented by: Attorney James Wieser, Wieser & Wyllie, LLP and
Engineer James Hus, Jr., DVG Team, Inc.
*Lot 1 and Lot 2 request to exceed this amount at their shared lot line
APPROVED (4-0) 12/8/25

19. B.Z.A. Case #25-12-38
751 Lincoln Hwy. (Proposed: Family Express w/Retail Center)
Petitioner(s): Family Express Corporation – Patrick Lyp, General Counsel and
Pete Andreou, Vice President of Development
Represented by: Attorney James Wieser, Wieser & Wyllie, LLP and
Engineer James Hus, Jr., DVG Team, Inc.
*Lot 2 and Lot 3 request to exceed this amount at their shared lot line
APPROVED (4-0) 12/8/25
20. B.Z.A. Case #25-12-39
751 Lincoln Hwy. (Proposed: Family Express w/Retail Center)
Petitioner(s): Family Express Corporation – Patrick Lyp, General Counsel and
Pete Andreou, Vice President of Development
Represented by: Attorney James Wieser, Wieser & Wyllie, LLP and
Engineer James Hus, Jr., DVG Team, Inc.
*Lot 1 and Lot 2 request to exceed this amount at the US30 right-of-way line and
utilize existing light fixtures for the purposes of illuminating an existing curb cut
APPROVED (4-0) 12/8/25

V. ADJOURNMENT