

**THE MINUTES OF THE BOARD OF
ZONING APPEALS SPECIAL PUBLIC MEETING
DECEMBER 8, 2025**

I. CALL TO ORDER

The Board of Zoning Appeals 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 receipted.

B. Roll Call

Roll Call was taken with the following members present: Chairman Michael Davis, Vice-Chairman Tom Kourous, Mr. Michael O'Rourke, and Mr. William Jarvis. Staff present: Town Manager James Gorman, Director of Operations Andrew Hansen, Planning & Building Administrator Denise Sulek, Recording Secretary Megan Schiltz, Attorney Alfredo Estrada, and Councilwoman Robin Arvanitis. In the audience was Councilman Tom Schmitt. Absent was Secretary Rick Calinski.

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

Mr. Kourous made a motion to approve which was seconded by Mr. Jarvis and carried 4-0.

II. PUBLIC ACTION AND PUBLIC HEARINGS

A. B.Z.A. Case #25-12-20 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 4 (C) (3) – Developmental fronting a primary arterial street and
highway, a minimum 60' and maximum 95' front yard shall be provided.
Included in this front yard shall be a minimum 20' landscaped strip
along the front right-of-way that spans the entire length of the front
right-of-way.

Purpose: Lot 1 is requesting a 33' minimum front yard and a minimum 0'
landscaped strip with respect to US 30.

Mr. Davis stated that item A. B.Z.A. Case #25-12-20 through item T. B.Z.A. Case #25-12-39 would be heard together but voted on separately. Mr. Davis asked that a copy of the agenda be attached to the minutes for the record. Ms. Schiltz replied that she would attach the agenda to the minutes of the meeting. Mr. Davis then asked Attorney Estrada if proofs of publication were in order. Attorney Estrada replied that they were in order. Mr. Davis read correspondence from Mr. John Teibel regarding cross traffic access concerns between the existing mall area and the proposed development for the record. Attorney James Wieser from Wieser & Wyllie, LLP stated that they had previously been before the board in January of 2025, and were approved for a Variance of Use for a portion of this development to be utilized as a Family Express Convenience Store and gasoline pumps. Attorney Wieser informed the board that since that meeting, they have been working on plans for these variances which would ultimately involve both site plan and subdivision approval. Attorney Wieser added that along with him were Engineer James Hus, Jr from DVG, Family Express representative Pete Andreou, and General Counsel Patrick Lyp to answer questions and provide information related to this project. Attorney Wieser went on to say that they had met with Town staff on several occasions to discuss the issues mentioned in January; and had a variety of approaches on what would work best for Family Express and the Town of Schererville. Attorney Wieser stated that he

wanted to make the record aware that although it was not germane to the requested variances, they had some solutions for the concerns relative to traffic and Cline Ave.; especially traffic on Cline Ave. heading south on Route 30 towards the existing roundabout. Attorney Wieser said that as a result of those meetings with staff, it was determined that Family Express would put in a thoroughfare design south of Cline Ave. where there would be a dedicated right-of-way as well as additional lanes and a significant improvement that would be shown on future plans at the cost of Family Express. Attorney Wieser went on to say that there were a number of factors to consider with the variances required; not only because the property was located in the U.S. 30 Commercial Corridor Overlay District, but because of the manner and method in which the property intends to be developed and subdivided. Attorney Wieser added that Family Express was happy to become part of the community and to have the opportunity to repurpose a building into a retail development that will meet the criteria listed for this district. Attorney Wieser stated that after speaking with Ms. Sulek on how to make the process easier, they bunched the requests into “four buckets” of variances needed in the overall categories, and added next to each agenda item the exhibit relative to that variance so members could refer to each exhibit while the variances are explained. Attorney Wieser concluded that the team had been in contact with Mr. Teibel and discussed his concerns and will address them; adding that Mr. Teibel agreed it would be more relevant with the site plan and subdivision approval; but now that they are aware, they would begin working on the matter for the future.

Engineer James Hus stated that the core of this petition is Family Express’ desire to occupy 9,800 sq. ft. of the existing property and to salvage and repurpose a total of 60,000 of modifiable square footage and infrastructure that was the Von Tobel facility whether for themselves or for potentially marketing other parties. Mr. Hus went on to say that they had identified portions of the building on this property that could be retrofitted and made attractive and desirous to potential suitors and the Town of Schererville for future commercial use. Mr. Hus informed the board that they had submitted a primary plat of subdivision to the Town that is in the packets illustrating the differential of what lot is what which is labeled the BZA Lot Coverage Exhibit, the red shaded area is Lot 1, blue shaded is Lot 3, and that the unshaded area is Lot 2. Mr. Hus added that he would be referring to the lot numbers quite a bit during the presentation and hoped the exhibit would make it easier to follow along. Mr. Hus then mentioned that the ultimate goal is to conserve as much of the infrastructure that is already in place so that it could be marketed at a later date. Mr. Hus continued on that properties are best used when it is rectangular shaped against parallel roads, and that this site is unique in that neither one of those apply. Mr. Hus added that U.S. 30 runs at an angle, and that they have more or less of a peninsula shaped property which requires they seek some variances. Mr. Hus said that for the sake of time and clarity, he would walk through the requests in order, and then asked Mr. Hansen to pull up the BZA Setback Exhibits.

Mr. Hus said that the variance they were requesting with item **A** is the front yard setbacks with respect to U.S. 30 on Lot 1, adding that the C-3 Commercial Zoning Ordinance describes that a building must sit between 60’ and 95’ away from the right-of-way line. Mr. Hus stated that there is a very small portion that complies with the existing Von Tobel building, and a considerable amount which was legal non-conforming before that. Mr. Hus went on to say that unless they were to demolish the structure and reorient it to be parallel to U.S. 30, they would have a difficult time with a building this size to fully adhere to the C-3 Requirements. Mr. Hus continued to say that the specific variance they were requesting is to provide a 33’ front yard which Von Tobel was not providing. Mr. Hus added that there are portions of the site where the pavement goes more or less to the right-of-way line that they would like to maintain specifically in the northeast tip of the building. Mr. Hus said that for item **B** they are requesting a variance once again on Lot 1, adding that the C-3 Zoning Code requires different numerical requirements that speaks to any building on an arterial road, in this case Cline Ave. Mr. Hus stated that the building must be situated anywhere between 15’ and 55’ away from the right-of-way line; however, the existing Von Tobel building is considerably further away from that. Mr. Hus went on to say that the 15’ is to represent a building basically more or less situated on the property line with rear parking; and the 55’ is a building that is set back with some parking in the front. Mr. Hus continued that because the existing Von Tobel building is considerably further back, it would require a 134’ front yard. Mr. Hus informed the board that one thing he wished to add to this variance was the proposed fuel canopy which is not considered buildings for the purposes of any Zoning Ordinance; but the fuel canopy is situated in what would otherwise be an acceptable setback. Mr. Hus then stated that in his opinion, if you would choose to look at it that way, they would be making the lot requirement. Mr. Hus said that as they subdivide the lots they need to ask for a variance for each lot. Mr. Hus went on to say that they were requesting the same variance with item **C** in that the front of the U.S. 30 facing side of Lot 2 has the same 60’ and 95’ requirement. Mr. Hus stated that the building that they intend to salvage, retrofit, and repurpose is fully out of that acceptable setback range; therefore, in this case they would like to request a 113’ setback, which is the furthest that the building sits from

the U.S. 30 right-of-way line. Mr. Hus mentioned that there is currently a 2' landscaping strip which is legal non-conforming and would need a variance given that the existing property did not provide. Mr. Hus moved on to item **D** which relates to Lot 3 located at the southwest side of the property. Mr. Hus stated that the existing building was 17' away from the property line and that he would consider this to be a rear yard; and in the case of this lot, the rear yard setback is 30', so they are asking for a 17' setback on this lot simply to allow the building to remain where it is currently. Mr. Hus added that if this particular variance was not granted, the only other option would be a partial demo of that building instead of being able to repurpose it.

Mr. Hus stated that the totality of the existing property was paved and exceeded the allowable amount which made it legal non-conforming with respect to lot coverage. Mr. Hus continued that according to the C-3 Zoning Ordinance, the maximum allowable coverage is 80% which includes pavement, building curbs, dumpster enclosures, etc. leaving 20% of the property grass. Mr. Hus wanted to make it clear that they are proposing less impervious area on the totality of the Von Tobel property as it existed today, and can confidently state that marginally they do. Mr. Hus said that with item **E** they are requesting 95% lot coverage on Lot 1 which would still decrease the amount of pavement that existed. Mr. Hus went on to say that even though the entire subdivision currently exceeded the allowable lot coverage, they would not be seeking a variance on Lot 2 because it would become compliant once it is subdivided. Mr. Hus stated that in order to incorporate the Master Plan for Lot 3, it would need to exceed the allowed lot coverage. Mr. Hus added that what is needed would be a "shade over" 80%, and that for the sake of simplicity he rounded the number of lot coverage to 85% for item **F**. Mr. Hus then presented an illustration on the exhibit showing the amount of green space on the property when Von Tobel was in operation followed by an illustration of the intended green space as part of Family Express and the Subdivision Master Plan. Mr. Hus concluded that although there would not be a ton, there would still be a demonstrable increase of green space.

Mr. Hansen pulled up the Architectural Exhibit for item **G**. Mr. Hus informed the board that the C-3 Zoning Ordinance speaks to having a full masonry building. Mr. Hus stated that Family Express intends to have major beautification to the front of the building on the east side that faces Cline Ave., and that they do intend the same for the west side, although it was not predetermined as a Family Express prototype. Mr. Hus went on to say that the north and south expanses are currently metalclad and will be improved, but do not desire to provide full masonry on those sides of the building. Therefore, they are requesting a waiver for the north and south sides of the Lot 1 building to not be full masonry frontage. Mr. Hus added that item **H** describes the desire to have 40% or more of the front façade to have windows. Mr. Hus stated that although there is not a shortage of glass currently on the Von Tobel frontage, it is estimated to have approximately 35% of glass in place today. Mr. Hus added that they are seeking this variance because he does not believe that they could get to 40% with the retrofit style they are putting together. Mr. Hus said that the regulations state on item **I** that no building frontage should run farther than 20' before it is broken up by a window, door, or any architectural feature. Mr. Hus added that the north and south sides of the Lot 1 building are not broken up much today and do not intend for there to be a door or storefront; but that the west and east sides would have public access. Mr. Hus concluded that is why they are requesting a variance for the north and south sides to be allowed blank walls to exceed 20'. Mr. Hus then stated that item **J** relates to the northwest building on Lot 2 with potential front facings of the building being the north, west, and south sides. Mr. Hus went on to say that due to the grade differential between the buildings, they would need to install a 0' - 6' height retaining wall; that way there could be parking between the Lot 1 building and Lot 2 building. Mr. Hus stated that the east face of the Lot 2 building would only have emergency doors for that reason; and that there would not be a purpose for a window because it would just show the back of the retaining walls. Mr. O'Rourke wanted to confirm that the Lot 2 building is located to the west of Lot 1. Mr. Hus responded that would be correct and had been changed from the previous Von Tobel subdivision. Mr. Hus continued that because the east face of the Lot 2 building would not have any utilities beyond emergency exits, they are requesting to have blank walls for the east face; and it is the expectation that when the retrofit plan for this building comes forth, this variance would not be requested for the north, west, or south faces.

For item **K**, Mr. Hansen pulled up the Loading Areas & Curb Cuts Exhibit page. Mr. Hus informed the board that typically a commercial loading area refers to a garbage enclosure and not just for semi-trailers to unload goods into a warehouse space. Mr. Hus stated that the requirement for a loading area should always be located in the rear yard of a lot; given that this development is located on a corner lot, the lines between a side yard and a rear yard can get "blurry". Mr. Hus went on to say that with Lot 1 in the interest of transparency and making sure all bases are covered, they are requesting to have the Lot 1 loading area/dumpster enclosure in a side yard because Lot 1 does not have a rear yard. Mr. Hus mentioned that the dumpster enclosure would be almost completely obscured from U.S. 30 and Cline Ave., and it would not be visible when driving past. Mr. Hus said that with item **L** a lot of effort went in

to find the most logical position for the dumpster enclosure on Lot 2; and the best solution would be the northwest corner which could be predetermined to be either a side yard or a front yard. Mr. Hus asked the board to keep in mind that U.S. 30 starts climbing up because of a hill; so the enclosure would be “looked over” instead of looking directly at it when coming down from U.S. 30. Mr. Hus added that the enclosure would be completely invisible from Cline Ave. Mr. Hus then continued on with item **M** stating that this variance would be necessary because according to code there must be a public entrance every 100’ of building frontage. Mr. Hus said that the existing Von Tobel frontage on Cline Ave. has a face that is 170’ long and is legal non-conforming in that there is only a single public entrance. Mr. Hus added that with this being a retrofit, there will still be only one entrance and exit, albeit a double door, whereas the code requires that there be two doors.

Mr. Hus stated for the record that the next three items on the agenda were for the same exact variance but with respect to each individual lot: item **N** refers to Lot 1, item **O** refers to Lot 2, and item **P** refers to Lot 3. Mr. Hus said that per the Ordinance, all developments shall provide pedestrian sidewalks and walkways that are directly accessible from the public right-of-way, and that they connect the adjoining properties for a continuous sidewalk. Mr. Hus went on to say that there are currently no sidewalks on Cline Ave. that extend further down, and that the next pedestrian connection would be the roundabout. Mr. Hus added that U.S. 30 has no sidewalks for miles in each direction which is partly because it is a State right-of-way, it would be unsafe, and there are ditches all alongside U.S. 30, as well as the topographical challenges with how “hilly” it is. Mr. Hus then requested a variance to exclude sidewalks or pedestrian ways into the development because there is nothing to connect them to. Mr. Hus concluded that there is not a foreseeable avenue where the State of Indiana adds pedestrian connectivity along U.S. 30 because it carries 20,000 – 30,000 vehicles per day.

Mr. Hus said that with item **Q**, a variance would be required because no development should have more than one curb cut along the front right-of-way. Mr. Hus stated that Lot 1 technically has two fronts with one being a U.S. 30 driveway and the second being half of the Cline Ave. driveway. Mr. Hus went on to say that out of an abundance of caution it seems like there are currently two curb cuts along the front right-of-way, making this legal non-conforming. Mr. Hus added that they are seeking this variance to maintain those curb cuts as they exist today with a few, if any, modifications. Mr. Hus then stated that it was understood the Town of Schererville is very strict as it relates to the lighting ordinance; Family Express is no stranger to meeting photometric requirements, and fully intends to comply throughout the rest of the property. Mr. Hus went on that there are some unique aspects to the Subdivision Plan and are requesting a variance to exceed the 3/10 foot-candle requirements for very specific reasons in very specific locations; adding that it is not a writ large request by any means. Mr. Hus said that item **R** requests to exceed the 3/10 foot-candle requirement on the entirety of the Lot 1 to Lot 2 lot line; the reason is they would need/desire to illuminate the parking spaces that are immediately west of the Lot 1 buildings west side. Mr. Hus went on to say that the Lot 1 to lot line intends this to sit 10’ east of the Lot 2 building; so in order to provide an acceptable light level for the parking arrangement between those two buildings, we would need to exceed it at the lot line. Mr. Hus added that if a variance is granted for the blank wall on the east face of the Lot 2 building (item J), there is a very low likelihood that there would be anything other than an emergency door; therefore, the light would more or less be shining on an otherwise improved wall and would not be a disturbance. Mr. Hus said that item **S** is to exceed the 3/10 foot-candle requirement along the Lot 2 and Lot 3 lot line; it divides a shared driving aisle that is surrounded by parking that must be illuminated. Mr. Hus reminded the board that these are lot lines and not property lines that would affect the west property boundary, Cline Ave., or the entire U.S. 30 boundary. Mr. Hus stated that the final variance they are seeking would be item **T** which speaks to the U.S. 30 lot line but is only specific to two areas. Mr. Hus went on to say that there are two existing light fixtures that are on both sides of the U.S. 30 driveway that they would like to maintain; more so for safety because U.S. 30 does not have a lighting system. Mr. Hus said that there is a considerable distance from the property line and the U.S. 30 pavement and did not want to light it any more than it is currently. Mr. Hus informed the board that this request is because the light fixtures are effectively on the lot line currently and they would like to keep them there and illuminated. Mr. Hus added that he believed that there are benefits to safety that comes along with this request given that there are not any lighting systems along U.S. 30. Mr. Hus went on to say that they will maintain the drive aisle that wraps around the northeast corner of the building. Mr. Hus stated that it is difficult to install a fixture on the building which would be presented to the Plan Commission and illuminate that two-way drive aisle without spilling onto the property line. Mr. Hus continued to say that there are benefits to illuminating that corner which sits only 24’ – 25’ away, and intends on installing fixtures that will get the light level down quickly once it enters the U.S. 30 right-of-way. Mr. Hus then added they have been told that full compliance at that corner will be very difficult, and that is why they are requesting a variance of the 3/10 foot-candle requirement but only for

those specific purposes. Mr. Hus concluded that he appreciated the board's patience and is now ready to open it up to any questions.

Mr. Kouros asked if Mr. Teibel was the owner of the South Cline Plaza Addition, referring back to the email that had been read for the record. Mr. Hus replied that was correct; and as Attorney Wieser had stated earlier, the team is currently working on a solution that would be amenable. Mr. Hus went on to say that there is an existing double bank of parking stalls; the south line of these parking stalls are maintained and sits just south of where the dumpster enclosure and carwash will be. Mr. Hus added that the center driving line between those two rows of parking were substantially out about 5' on the Von Tobel property line. Mr. Hus went on to say that it is Family Express' intent for the property and the positioning of the carwash and dumpster enclosure to be in this general area of the property. Mr. Hus said that they didn't need to move its improvements all the way to the property line and make the southern row of parking defunct by being too short for no reason. Mr. Hus continued to say that they had made the decision months ago to move the curb line a little bit further into this property; the northern row will be removed but the southern row of parking will be maintained, even though 25% of it isn't on Family Express property. Mr. Hus stated that what Mr. Teibel was referring to is that previously vehicles would be able to go west; and if they found a full bank of parking, they had an opportunity to turn north on the Family Express property. Mr. Hus added that this would be right where the dumpster enclosure is positioned in the illustration provided; however, this convenience would go away. Mr. Hus said that Family Express would be happy to stripe out a no parking area in the gap north of that catch basin; believing that if a motorist were to come down that lane between the Grit Fitness building and the parking stalls, it would give them an opportunity to perform a three-point turn and go back around. Mr. Hus added that although it is less convenient, it would not subtract from the utilities of the parking stalls that Family Express is happy to maintain. Mr. Hus added that the space between them was greater than 24' which is more than enough space for a two-way drive aisle. Mr. Hus informed the board that they have not informed Mr. Teibel in writing yet, but is positive that once this project is constructed and they are striping this lot; they could get that done for them.

Mr. Jarvis asked if the lighting would be converted to new LED lighting. Mr. Hus replied that he would expect luminaires at a minimum, but is not sure if the poles would be changed. Mr. Hus went on to say that he is not a lighting expert but believed LED lighting to be standard, and that the lighting would be converted no matter what. Mr. Jarvis asked if all the lights would be changed. Mr. Hus replied yes, and that he believed those would be the only two on the site that would maintain their current position. Mr. Hus added that with the canopy being installed, the fixtures that are in the front of the parking lot on the property would need to be removed; it would basically be a full lighting system conversion. Mr. Jarvis asked if there was a cross access easement along the U.S. 30 Corridor with the east and west traffic heading back. Mr. Gorman replied yes. Mr. Hus responded that there is an existing cross access easement that is on the Von Tobel plat that allows for vehicles to travel from Grit Fitness heading north and west, and that the canopy would go over that existing easement as is. Mr. Hus went on to say that as part of the plotting processing that would be presented to the Plan Commission, is that the cross access easement will shift its position, but the functionality will be maintained. Mr. Jarvis responded that usually the cross easements follow the land versus the building. Mr. Hus stated that there would be a continuous cross access easement that will be maintained from the lot south of U.S. 30 to the Trek lot. Mr. O'Rourke wanted to verify that most of the requested variances that had been brought up pertain to a building that is physically there already. Mr. Hus responded that a vast majority of what they are requesting is permission to make something that is legal non-conforming, no longer legal non-conforming; a lot of the Master Plan and variances requested are a function of a variance that will be needed to keep what is already there with these changes. Mr. O'Rourke asked if there was a quick easy way to go through and say some of the requests are to stay the same. Mr. Hus replied that essentially all of them are the same with the exception of the lighting which changes the result of the intended Master Plan. Mr. O'Rourke stated that with item E, it would be different because it changes the percentage of the lot. Mr. Hus contended that the lot coverage variances are unique in that they are not the same, but they still are the same in that the totality of the subdivision that is being improved. Mr. Hus went on to say that if you were to look at that way, it could be classified as the same but is actually going to be made better. Mr. O'Rourke said that when talking about the building with the glass, that is the same; the fact that there is not an access on the north and south side is the same as what is there now. Mr. O'Rourke added that with item T, the lighting is different. Mr. Hus replied that his understanding is accurate. Mr. O'Rourke stated that he wanted to simplify so that the board does not have to go back and forth on what is existing.

The matter was then opened to the floor. Mr. David Eenigenburg approached the podium and stated that he is the owner of the Trek building located at 635-665 E. U.S. 30. Mr. Eenigenburg said that he does not oppose this development, but wanted to make sure that the construction process and long-term site operations did not negatively impact the value, access, or

marketability of his commercial property. Mr. Eenigenburg asked for clarification on what the shaded part at the northeast corner of the building on the site plan was. Mr. Pete Andreou responded that the shaded area was the underground tanks. Mr. Eenigenburg stated that he had a few comments to make, the first would be for the traffic flow access. Mr. Eenigenburg said that he understands the request for the two curb cuts; but his concern is that his commercial building depends on those curb cuts for 100% of the cars coming in which was approximately 3,500 to 4,000 cars a day. Mr. Eenigenburg went on to say that there was also a large amount of pedestrian traffic from both the bike path behind the building and from the parking lot; adding that they would be amazed at how much traffic they get from the easement that goes from the Von Tobel building. Mr. Eenigenburg requested that a condition be placed to require a Traffic Management Plan to ensure the development does not restrict access or visibility on those two curb cut even during construction. Mr. Eenigenburg continued to say that if his property were to be shut down for a day, there would be kids that could not learn to swim as well as runners and cyclists that could not get to the building. Mr. Eenigenburg stated that he was also concerned with the construction impact on the adjacent businesses, and would like to hear more about the staging plan that prevents blocked shared drive lanes, easements, and the visibility to the adjacent parcels. Mr. Eenigenburg said that his third concern would be the side yard loading areas and the operational impacts with item L which requests variances allowing surface areas and operations on side yard. Mr. Eenigenburg then stated that the dumpster enclosure would be on the drive and wanted to make sure that is not an eyesore given the large amount of traffic. Mr. Eenigenburg added that he would love to see the required screening, landscaping, fencing, or architectural treatment for all side yard, loading, and service operations. Mr. Eenigenburg went on to say that he does like the lighting spillover because it would not hinder his property; and if anything, it would enhance the lighting in the parking lot. Mr. Eenigenburg concluded that he supports this commercial development, and that his request is that the Town of Schererville applies consistent standards and implements reasonable protections so that the development enhances and does not harm the surrounding commercial environment. Mr. Eenigenburg then thanked the board for their time. Mr. Hus responded that the Town of Schererville has architectural standards for dumpster enclosures; and although it is not illustrated on the exhibit, it does meet the standard and would be presented to the Plan Commission at a later date. Mr. Hus added that while the enclosure might not be in the best place, it certainly would be screened and would not be unattractive.

There being no further comments, the matter returned to the board. Mr. Davis asked Mr. Hus to expound on traffic. Mr. Hus replied that the first immediate concern while meeting with staff related to ensuring the Master Plan did not preclude the Town of Schererville from making improvements to Cline Ave. Mr. Hus went on to say that the benefit of having U.S. 30 cut through this community, is that it brings a lot of out of town motorists to spend money in the town; the curse would be that it also brings traffic congestion. Mr. Hus added that another curse would be that when a major arterial road is maintained by the State of Indiana, you need their budgets and timelines; and in some cases, their inability or unwillingness to make improvements. Mr. Hus stated that with the Cline Ave. and U.S. 30 intersection, everything prioritizes traffic on U.S. 30 to the detriment of the local routes whether it is Austin Ave., Cline Ave., or Burr St. Mr. Hus continued that what it then creates is a condition where there is very little green time for the local routes to enter or cross U.S. 30; and that it is apparent specifically during the peak hour at night for the queues of motorists traveling southbound on Burr St. Mr. Hus informed the board that after some discussion with staff, it was decided that the only way to increase the amount of cars that are able to cross U.S. 30 from the north is to give them an extra lane. Mr. Hus said that this created some challenges in and of itself, and that this is the only solution; they cannot tell the State of Indiana to give additional green time because that would give U.S. 30 a bigger backup. Mr. Hus went on to say that they had identified some flexibility and arrived at the geometry illustrated on the screen which carries two southbound lanes that maintain the existing lane configuration. Mr. Hus stated that the delays for southbound motorists were demonstrably greater than northbound; as a condition, Family Express would donate the additional 5' that would be needed. Mr. Hus then said that if everything goes to plan that would also allow the Town of Schererville in time with the developments construction to do the same thing on the north leg. Mr. Hus added that the goal is to sync up the improvements because ultimately, adding two lanes to the south leg would not do anything until there is a north leg. Mr. Hus continued to say that the greater master plan is that everyone would work together to improve what they have control over, and the solution is to add an additional through lane southbound. Mr. Gorman stated for the record that Mr. Hus comment is correct in that they are currently working on a plan to improve the intersection on the north side of U.S. 30 and Cline Ave. Mr. Gorman added that they do have the right-of-way and do not need any additional right-of-way, but the engineers are working on that right now so that they go together in sync with this project if it moves forward.

Mr. Davis asked if there were any more comments from the floor. There being none, the matter was closed to the floor and returned to the board. Mr. Jarvis asked Mr. Hansen to pull up the

northeast corner of where the fuel tanks are. Mr. Jarvis said that he understands the fuel tanks are underground, but there is basically a cross access easement there and has north and south traffic on the Cline Ave. side of the property. Mr. Jarvis asked for an overview of when the fuel pumps would be made, and how the trucks are going to be positioned, given that there is a lot of movement there. Mr. Andreou, who oversees the design and development for Family Express, responded that fuel deliveries vary depending on the usage; but they always do them at night or before 5 A.M. to minimize the impact to customers. Mr. Andreou went on to say that the two heavy dotted rectangles shown on the screen are different sized tanks; the larger one is a triple compartment that has various grades, and the second is regular. Mr. Andreou added that the space to the north is where the fuel tanker would pull up to offload; therefore, any traffic that is going in there would still be able to get around. Mr. Andreou stated that there are cones for when they would offload the fuel for safety purposes, but typically the fuel tanker will pull up to where the sign is located to offload and then exit. Mr. Jarvis stated that having the fuel dump very early in the morning or very late at night would be the best choice as opposed to waiting until the tanks get very low. Mr. Andreou agreed and said that depending on the site, it could be a couple times a week or once a week; but typically it is during non-disruptive hours. Mr. O'Rourke asked if it was single pumps so there are not cars bumper to bumper. Mr. Andreou replied that was correct. Mr. Hus added to Mr. Jarvis' comment that while the platted easement is only on the east side of the canopy and wraps around, there is a two-way drive aisle to the west of the canopy as well. Mr. Hus went on to say that a motorist coming from Grit Fitness and going to Trek would still have an avenue through the site that even Family Express customers would be using as well.

Mr. Davis asked if there were any more questions or course of action. Mr. Jarvis asked Attorney Estrada what parts of the B.Z.A. Case description would make it legal to pass; stating that he normally reads the B.Z.A. Cases very thoroughly, but there were so many items it would take forever to get through. Attorney Estrada replied that it was already asked that the agenda be attached to the minutes and recommends to state the B.Z.A. Case number and the general location followed by the request as indicated in the agenda and the purpose as indicated in the agenda, and then the motion. Mr. Jarvis made a motion on B.Z.A. Case #25-12-20, as per the agenda item, to approve 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. Kourous and carried 4-0.

B. B.Z.A. Case #25-12-21 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 4 (C) (2) – Developmental fronting a minor arterial street and
highway, a minimum 15' and maximum 55' front yard shall be provided.
Included in this front yard shall be a minimum 15' landscaped strip
along the front right-of-way that spans the entire length of the front
right-of-way.

Purpose: Lot 1 is requesting a 134' minimum front yard and a minimum 0'
landscaped strip with respect to Cline Ave.

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #25-12-21, as per the agenda item, to approve 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. O'Rourke and carried 4-0.

C. B.Z.A. Case #25-12-22 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI, Section 4 (C) (3) – Developmental fronting a primary arterial street and highway, a minimum 60’ and maximum 95’ front yard shall be provided. Included in this front yard shall be a minimum 20’ landscaped strip along the front right-of-way that spans the entire length of the front right-of-way.

Purpose: Lot 2 is requesting a 113’ minimum front yard and a minimum 2’ landscaped strip with respect to US 30.

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #25-12-22, as per the agenda item, to approve 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. Kourou and carried 4-0.

D. B.Z.A. Case #25-12-23 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI, Section 4 (E) (1) – Development shall have a rear yard on each lot, the depth of which shall not be less than 30’.

Purpose: Lot 3 is requesting a 17’ rear yard.

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #25-12-23, as per the agenda item, to approve 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. O’Rourke and carried 4-0.

E. B.Z.A. Case #25-12-24 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI, Section 4 (G) – Development shall have no more than 80% of the area of any lot occupied by the combinations of buildings, drives, sidewalks, and parking area.

Purpose: Lot 1 is requesting 95% lot coverage

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #25-12-24, as per the agenda item, to approve 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. Kourou and carried 4-0.

F. B.Z.A. Case #25-12-25 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI, Section 4 (G) – Development shall have not more than 80% of the area of any lot occupied by the combinations of buildings, drives, sidewalks, and parking area.

Purpose: Lot 3 is requesting 85% lot coverage

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #25-12-25, as per the agenda item, to approve 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. O'Rourke and carried 4-0.

G. B.Z.A. Case #25-12-26 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI, Section 6 (A) – Development facing a major arterial street or highway shall use masonry materials which coverage the first 3 stories or 75% of the aggregate façade area.

Purpose: Lot 1 is requesting a waiver to use the existing building façade to modify the eastern and western faces of the Lot 1 building.

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #25-12-26, as per the agenda item, to approve 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. Kourous and carried 4-0.

H. B.Z.A. Case #25-12-27 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI, Section 6 (B) – Development shall have a minimum 40% of the front façade be composed of storefront windows between 2' and 8' high above the sidewalk on the first floor.

Purpose: Lot 1 is requesting to provide an approximately 35% glass coverage with glass extending beyond the prescribed height limits, generally matching the Von Tobel glass frontage.

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #25-12-27, as per the agenda item, to approve 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. O'Rourke and carried 4-0.

I. B.Z.A. Case #25-12-28 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 6 (C) – Development shall not have blank walls on any façade more
than 20’.

Purpose: Lot 1 is requesting to have blank walls and extending beyond this amount on its
non-front faces (north and south).

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #25-12-28, as per the
agenda item, to approve 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. Kourou
and carried 4-0.

J. B.Z.A. Case #25-12-29 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 6 (C) – Development shall not have blank walls on any façade more
than 20’.

Purpose: Lot 2 is requesting to have blank walls on its east face.

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #25-12-29, as per the
agenda item, to approve 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. O’Rourke
and carried 4-0.

K. B.Z.A. Case #25-12-30 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 6 (E) – Development shall have loading areas located in the rear
yard and away from public view.

Purpose: Lot 1 is requesting to have its loading area located in the side yard.

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #25-12-30, as per the
agenda item, to approve 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. Kourou
and carried 4-0.

L. B.Z.A. Case #25-12-31 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 6 (E) – Development shall have loading areas located in the rear

yard and away from public view.

Purpose: Lot 2 is requesting to have its loading area located in the side yard.

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #25-12-31, as per the agenda item, to approve 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. O'Rourke and carried 4-0.

M. B.Z.A. Case #25-12-32 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 6 (F) (2) – Development shall include at least one public entrance
on the front façade for every 100' of building width.

Purpose: Lot 1 is requesting one public entrance for 170' of frontage, on its east and
west faces.

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #25-12-32, as per the agenda item, to approve 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. Kourou and carried 4-0.

N. B.Z.A. Case #25-12-33 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 6 (F) (3) – Development shall provide pedestrian sidewalks or
walkways that are directly accessible from either the public right-of-way or
connected to adjoining properties for a continuous walk.

Purpose: Lot 1 is requesting a waiver from this requirement.

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #25-12-33, as per the agenda item, to approve 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. O'Rourke and carried 4-0.

O. B.Z.A. Case #25-12-34 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 6 (F) (3) – Development shall provide pedestrian sidewalks or
walkways that are directly accessible from either the public right-of-way or
connected to adjoining properties for a continuous walk.

Purpose: Lot 2 is requesting a waiver from this requirement.

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #25-12-34, as per the agenda item, to approve 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. Kourou and carried 4-0.

P. B.Z.A. Case #25-12-35 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 6 (F) (3) – Development shall provide pedestrian sidewalks or
walkways that are directly accessible from either the public right-of-way or
connected to adjoining properties for a continuous walk.

Purpose: Lot 3 is requesting a waiver from this requirement.

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #25-12-35, as per the agenda item, to approve 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. O'Rourke and carried 4-0.

Q. B.Z.A. Case #25-12-36 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 6 (G) (1) – Development shall be allowed no more than one curb cut
along the front right-of-way.

Purpose: Lot 1 is requesting two curb cuts, on both of which are existing.

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #25-12-36, as per the agenda item, to approve 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. Kourou and carried 4-0.

R. B.Z.A. Case #25-12-37 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XVII (E)
(4) – Development shall design outdoor lighting so that any overspill of
lighting onto adjacent properties shall not exceed 3/10 foot-candle,
measured vertically, and 3/10 foot-candle, measured horizontally, on
adjacent properties.

Purpose: Lot 1 and Lot 2 request to exceed this amount at their shared lot line.

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #25-12-37, as per the agenda item, to approve pursuant to all State, Local, and Federal Regulations, that all fees paid to the Town of Schererville be kept current, and that all lighting be changed to LED. The motion was seconded by Mr. O'Rourke. Attorney Estrada called point of order stating that if there is a condition placed on a particular item, the applicant must agree with the condition. Mr. Andreou replied that he believed all lights were currently LED; but if not, they would definitely change them to LED. Attorney Estrada stated for the record that the petitioner agreed with the condition. The motion then carried 4-0.

S. B.Z.A. Case #25-12-38 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XVII (E)
(4) – Development shall design outdoor lighting so that any overspill of lighting onto adjacent properties shall not exceed 3/10 foot-candle, measured vertically, and 3/10 foot-candle, measured horizontally, on adjacent properties.

Purpose: Lot 2 and Lot 3 request to exceed this amount at their shared lot line.

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #25-12-38, as per the agenda item, to approve 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. Mr. O'Rourke asked if they should add LED lighting to this item as well. Mr. Jarvis amended his motion to include that all lighting be changed to LED. Attorney Estrada asked the petitioner if he agreed with the condition. Mr. Andreou agreed with the condition. The motion then carried 4-0.

T. B.Z.A. Case #25-12-39 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XVII (E)
(4) – Development shall design outdoor lighting so that any overspill of lighting onto adjacent properties shall not exceed 3/10 foot-candle, measured vertically, and 3/10 foot-candle, measured horizontally, on adjacent properties.

Purpose: Lot 1 and Lot 2 request to exceed this amount at the US 30 right-of-way line and utilize existing light fixtures for the purposes of illuminating an existing curb cut.

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #25-12-39, as per the agenda item, to approve pursuant to all State, Local, and Federal Regulations, all fees paid to the Town of Schererville be kept current, and that all lighting be LED. The motion was seconded by Mr. O'Rourke. Attorney Estrada asked the petitioner if he agreed with the condition. Mr. Andreou agreed with the condition. The motion then carried 4-0.

III. COMMISSION BUSINESS:

A. Findings of Facts:

1. B.Z.A. Case #25-11-17 143 W. Joliet St. – Town of Schererville
General Location: 143 W. Joliet St.

Petitioner(s): Town of Schererville – James M. Gorman, Town Manager
Developmental Variance as required by Ordinance No. 2004, Title XVI, Section 6,
Paragraph E (2) Entitled: Lot, Yard, and Developmental Standards
Purpose: To allow a front yard setback of 280' +/- (Maximum 15')
APPROVED (4-0) 11/24/25

Mr. Kourou made a motion to approve which was seconded by Mr. O'Rourke and
carried 4-0.

2. B.Z.A. Case #25-11-18 143 W. Joliet St. – Town of Schererville
General Location: 143 W. Joliet St.
Petitioner(s): Town of Schererville – James M. Gorman, Town Manager
Developmental Variance as required by Ordinance No. 2004, Title XVI, Section 6,
Paragraph E (3) Entitled: Side and Rear Yards
Purpose: To allow all side yard setbacks to be 15' (Maximum 12')
APPROVED (4-0) 11/24/25

Mr. Kourou made a motion to approve which was seconded by Mr. O'Rourke and
carried 4-0.

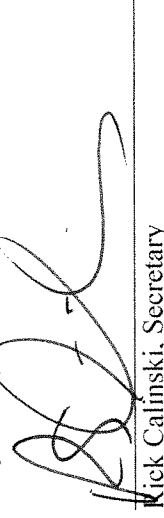
3. B.Z.A. Case #25-11-19 143 W. Joliet St. – Town of Schererville
General Location: 143 W. Joliet St.
Petitioner(s): Town of Schererville – James M. Gorman, Town Manager
Developmental Variance as required by Ordinance No. 2004, Title XVI, Section 6,
Paragraph F (7) Entitled: Entryways
Purpose: To allow building entrance approximately 300' +/- from the right-of-way
(Maximum 40')
APPROVED (4-0) 11/24/25

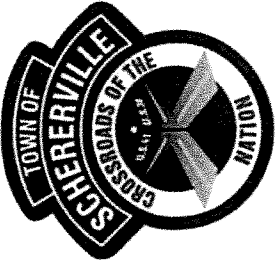
Mr. Kourou made a motion to approve which was seconded by Mr. O'Rourke and
carried 4-0.

IV. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:34 P.M.

Respectfully Submitted:


Rick Calmski, Secretary



Town of Schererville

PLANNING AND BUILDING DEPARTMENT

AGENDA
BOARD OF ZONING APPEALS SPECIAL PUBLIC MEETING
MONDAY, DECEMBER 8, 2025
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 11/2025-12/31/2025	Tom Kourouk 2025 Vice Chairman 11/2023-12/31/2026
Richard Calinski 2025 Secretary 11/2024 - 12/31/2027	William Jarvis 2025 Member 11/2023 -12/31/2026
Michael O'Rourke 2025 Member 11/2025 - 12/31/2028	

I. CALL TO ORDER

- A. Pledge of Allegiance
- B. Roll Call
- C. Approve Minutes of the Board of Zoning Appeals Meeting of November 24, 2025

II. PUBLIC ACTION AND PUBLIC HEARINGS

- A. B.Z.A. Case #25-12-20 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy. – Lot 3, Resubd. of Von Tobel Addition, Lot 1

See BZA Setbacks Exhibit

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 4 (C) (3) – Development fronting a primary arterial street and
highway, a minimum 60' and maximum 95' front yard shall be provided.
Included in this front yard shall be a minimum 20' landscaped strip
along the front right-of-way that spans the entire length of the front
right-of-way.

Purpose: Lot 1 is requesting a 33' minimum front yard and a minimum 0'
landscaped strip with respect to US30.

APPROVED _____ DEFERRED _____ DENIED _____

10 EAST JOLIET STREET • SCHERERVILLE, IN 46375
PHONE (219) 322-2211 • FAX (219) 865-5504
www.schererville.org

B. B.Z.A. Case #25-12-21 751 Lincoln Hwy.

See BZA Setbacks Exhibit

General Location: 751 Lincoln Hwy. – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 4 (C) (2) – Development fronting a minor arterial street and
highway, a minimum 15’ and maximum 55’ front yard shall be provided.
Included in this front yard shall be a minimum 15’ landscaped strip
along the front right-of-way that spans the entire length of the front
right-of-way.

Purpose: Lot 1 is requesting a 134’ maximum front yard and a minimum 0’
landscaped strip with respect to Cline Avenue.

APPROVED _____ DEFERRED _____ DENIED _____

C. B.Z.A. Case #25-12-22 751 Lincoln Hwy.

See BZA Setbacks Exhibit

General Location: 751 Lincoln Hwy. – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 4 (C) (3) – Development fronting a primary arterial street and
highway, a minimum 60’ and maximum 95’ front yard shall be provided.
Included in this front yard shall be a minimum 20’ landscaped strip along
the front right-of-way that spans the entire length of the front right-of-way.

Purpose: Lot 2 is requesting a 113’ maximum front yard and a minimum 2’
landscaped strip with respect to US30.

APPROVED _____ DEFERRED _____ DENIED _____

D. B.Z.A. Case #25-12-23 751 Lincoln Hwy.

See BZA Setbacks Exhibit

General Location: 751 Lincoln Hwy. – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 4 (E) (1) – Development shall have a rear yard on each lot, the depth
of which shall not be less than 30’.

Purpose: Lot 3 is requesting a 17’ rear yard.

APPROVED _____ DEFERRED _____ DENIED _____

E. B.Z.A. Case #25-12-24 751 Lincoln Hwy.

See BZA Lot Coverage
Exhibit

General Location: 751 Lincoln Hwy. – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 4 (G) – Development shall have not more than 80% of the area of
any lot occupied by the combinations of buildings, drives, sidewalks, and
parking area.

Purpose: Lot 1 is requesting 95% lot coverage

APPROVED _____ DEFERRED _____ DENIED _____

F. B.Z.A. Case #25-12-25 751 Lincoln Hwy.

See BZA Lot Coverage
Exhibit

General Location: 751 Lincoln Hwy. – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 4 (G) – Development shall have not more than 80% of the area of
any lot occupied by the combinations of buildings, drives, sidewalks, and
parking area.

Purpose: Lot 3 is requesting 85% lot coverage

APPROVED _____ DEFERRED _____ DENIED _____

G. B.Z.A. Case #25-12-26 751 Lincoln Hwy.

See BZA Architectural
Exhibit

General Location: 751 Lincoln Hwy. – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 6 (A) – Development facing a major arterial street or highway shall
use masonry materials which coverage the first 3 stories or 75% of the
aggregate façade area.

Purpose: 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 _____ DEFERRED _____ DENIED _____

See BZA Architectural
Exhibit

H. B.Z.A. Case #25-12-27 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy. – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 6 (B) – Development shall have a minimum 40% of the front façade
be composed of storefront windows between 2’ and 8’ high above the
sidewalk on the first floor.

Purpose: Lot 1 is requesting to provide an approximately 35% glass coverage with
glass extending beyond the prescribed height limits, generally matching the
Von Tobel glass frontage

APPROVED _____ DEFERRED _____ DENIED _____

See BZA Architectural
Exhibit

I. B.Z.A. Case #25-12-28 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy. – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 6 (C) – Development shall not have blank walls on any façade more
than 20’.

Purpose: Lot 1 is requesting to have blank walls extending beyond this amount on its
non-front faces (north and south).

APPROVED _____ DEFERRED _____ DENIED _____

J. B.Z.A. Case #25-12-29 751 Lincoln Hwy.

See BZA Architectural
Exhibit

General Location: 751 Lincoln Hwy. – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 6 (C) – Development shall not have blank walls on any façade more
than 20’.

Purpose: Lot 2 is requesting to have blank walls on its east face.

APPROVED _____ DEFERRED _____ DENIED _____

K. B.Z.A. Case #25-12-30 751 Lincoln Hwy.

See BZA Loading Areas &
Curb Cuts Exhibit

General Location: 751 Lincoln Hwy. – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 6 (E) – Development shall have loading areas located in the rear
yard and away from public view.

Purpose: Lot 1 is requesting to have its loading area located in the side yard.

APPROVED _____ DEFERRED _____ DENIED _____

See BZA Loading Areas & Curb Cuts Exhibit

L. B.Z.A. Case #25-12-31 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy. – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 6 (E) – Development shall have loading areas located in the rear
yard and away from public view.

Purpose: Lot 2 is requesting to have its loading area located in the side yard.

APPROVED _____ DEFERRED _____ DENIED _____

See BZA Architectural Exhibit

M. B.Z.A. Case #25-12-32 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy. – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 6 (F) (2) – Development shall include at least one public entrance
on the front façade for every 100' of building width.

Purpose: Lot 1 is requesting one public entrance for 170' of frontage, on its east and
west faces.

APPROVED _____ DEFERRED _____ DENIED _____

See BZA Architectural
Exhibit

N. B.Z.A. Case #25-12-33 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy. – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 6 (F) (3) – Development shall provide pedestrian sidewalks or
walkways that are directly accessible from either the public right-of-way or
connected to adjoining properties for a continuous walk.

Purpose: Lot 1 is requesting a waiver from this requirement.

APPROVED _____ DEFERRED _____ DENIED _____

See BZA Architectural
Exhibit

O. B.Z.A. Case #25-12-34 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy. – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 6 (F) (3) – Development shall provide pedestrian sidewalks or
walkways that are directly accessible from either the public right-of-way or
connected to adjoining properties for a continuous walk.

Purpose: Lot 2 is requesting a waiver from this requirement.

APPROVED _____ DEFERRED _____ DENIED _____

See BZA Architectural
Exhibit

P. B.Z.A. Case #25-12-35 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy. – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 6 (F) (3) – Development shall provide pedestrian sidewalks or
walkways that are directly accessible from either the public right-of-way or
connected to adjoining properties for a continuous walk.

Purpose: Lot 3 is requesting a waiver from this requirement.

APPROVED _____ DEFERRED _____ DENIED _____

See BZA Loading Areas &
Curb Cuts Exhibit

Q. B.Z.A. Case #25-12-36 751 Lincoln Hwy.

General Location: 751 Lincoln Hwy. – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XI,
Section 6 (G) (1) – Development shall be allowed no more than one curb cut
along the front right-of-way.

Purpose: Lot 1 is requesting two curb cuts, both of which are existing.

APPROVED _____ DEFERRED _____ DENIED _____

R. B.Z.A. Case #25-12-37 751 Lincoln Hwy.

See BZA Lighting Exhibit

General Location: 751 Lincoln Hwy. – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XVII (E)
(4) – Development shall design outdoor lighting so that any overspill of
lighting onto adjacent properties shall not exceed 3/10 foot-candle,
measured vertically, and 3/10 foot-candle, measured horizontally, on
adjacent properties.

Purpose: Lot 1 and Lot 2 request to exceed this amount at their shared lot line.

APPROVED _____ DEFERRED _____ DENIED _____

S. B.Z.A. Case #25-12-38 751 Lincoln Hwy.

See BZA Lighting Exhibit

General Location: 751 Lincoln Hwy. – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XVII (E)
(4) – Development shall design outdoor lighting so that any overspill of
lighting onto adjacent properties shall not exceed 3/10 foot-candle,
measured vertically, and 3/10 foot-candle, measured horizontally, on
adjacent properties.

Purpose: Lot 2 and Lot 3 request to exceed this amount at their shared lot line.

APPROVED _____ DEFERRED _____ DENIED _____

T. B.Z.A. Case #25-12-39 751 Lincoln Hwy.

See BZA Lighting Exhibit

General Location: 751 Lincoln Hwy. – Lot 3, Resubd. of Von Tobel Addition, Lot 1

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.

Request: Development Variance as required by Ordinance No. 2004, Title XVII (E)
(4) – Development shall design outdoor lighting so that any overspill of
lighting onto adjacent properties shall not exceed 3/10 foot-candle,
measured vertically, and 3/10 foot-candle, measured horizontally, on
adjacent properties.

Purpose: 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 _____ DEFERRED _____ DENIED _____

III. COMMISSION BUSINESS:

A. Findings of Facts:

1. B.Z.A. Case #25-11-17 143 W. Joliet St. – Town of Schererville
General Location: 143 W. Joliet St.
Petitioner(s): Town of Schererville – James M. Gorman, Town Manager
Developmental Variance as required by Ordinance No. 2004, Title XVI, Section 6,
Paragraph E (2) Entitled: Lot, Yard, and Developmental Standards
Purpose: To allow a front yard setback of 280’ +/- (Maximum 15’)
APPROVED (4-0) 11/24/25
2. B.Z.A. Case #25-11-18 143 W. Joliet St. – Town of Schererville
General Location: 143 W. Joliet St.
Petitioner(s): Town of Schererville – James M. Gorman, Town Manager
Developmental Variance as required by Ordinance No. 2004, Title XVI, Section 6,
Paragraph E (3) Entitled: Side and Rear Yards
Purpose: To allow all side yard setbacks to be 15’ (Maximum 12’)
APPROVED (4-0) 11/24/25
3. B.Z.A. Case #25-11-19 143 W. Joliet St. – Town of Schererville
General Location: 143 W. Joliet St.
Petitioner(s): Town of Schererville – James M. Gorman, Town Manager
Developmental Variance as required by Ordinance No. 2004, Title XVI, Section 6,
Paragraph F (7) Entitled: Entryways
Purpose: To allow building entrance approximately 300’ +/- from the right-of-way
(Maximum 40’)
APPROVED (4-0) 11/24/25

IV. ADJOURNMENT

TTY Users may access the Relay Indiana Service by calling 711 or 1(800) 743-3333. Requests for alternative formats may be made by contacting Denise R. Sulek 48 hours in advance at (219) 322-2217. Ext. 1305 or by email to dsulek@schererville.org