

**MINUTES OF THE BOARD OF  
ZONING APPEALS PUBLIC MEETING  
JANUARY 26, 2026**

**I. CALL TO ORDER**

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

A. Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call was not taken but the following members were present: Chairman Michael Davis, Vice-Chairman Tom Kouros, and Mr. William Jarvis. Staff present: Director of Operations Andrew Hansen, Planning & Building Administrator Denise Sulek, Recording Secretary Megan Schiltz and Attorney Christian Bartholomew from Burke, Costanza, and Carberry. Absent were Mr. Michael O'Rourke and Town Manager James Gorman. In the audience were Councilmen Caleb Johnson and Tom Schmitt.

**II. COMMISSION BUSINESS**

A. Introduction of Members

Chairman Davis stated that there would not be an introduction of a new member.

B. Election of Officers

Attorney Bartholomew recommended to forego holding elections because a new member would not be appointed until next month and they might be interested in an officer position. Mr. Jarvis replied that in order to continue with the meeting they would need to appoint officers. Attorney Bartholomew said that some other boards had chosen to defer until the next scheduled meeting, but if it is required to proceed then they could be appointed just for this meeting.

Mr. Jarvis made a motion to elect Mr. Michael Davis as Chairman which was seconded by Mr. Kouros and carried 3-0.

Mr. Jarvis made a motion to elect Mr. Tom Kouros as Vice-Chairman which was seconded by Mr. Kouros and carried 3-0.

Mr. Jarvis made a motion to elect Mr. Michael O'Rourke as Secretary which was seconded by Mr. Kouros and carried 3-0.

C. Appointment of Attorney

Mr. Jarvis appointed the firm Burke, Costanza, & Carberry which was seconded by Mr. Kouros and carried 3-0.

D. Approve Minutes of the Special Board of Zoning Appeals Meeting of December 8, 2025

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

**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)

Mr. Davis said for the record that B.Z.A. Case #26-1-1 through B.Z.A. Case #26-1-8 would be heard together but voted on separately. Mr. Davis asked if Proofs of Publication were in order. Attorney Bartholomew replied that all notices were in order. Mr. James Hus, Jr. from DVG stated that he would be representing on behalf of Morningside LLC along with Attorney Jared Tauber from Tauber Law. Mr. Hus informed the board that the variances being requested center around two properties in the Harvest Manor Subdivision located south of U.S. 30. Mr. Hus stated that the entrance of Harvest Manor is zoned R-3 while the interior of the subdivision is zoned R-2. Mr. Hus then said that the construction of the Harvest Manor Subdivision predated 1985; adding that the Town of Schererville updated the Zoning Ordinance in 2024 and previously in 2011, making this property in legal non-conformance. Mr. Hus continued that the core requirement of the R-3 zoning is that it does allow multi-family residential but caps the number of units per lot to four. Mr. Hus informed the board that both properties hold sixteen units in a single building and that the legal non-conformance is not unique to only these two properties; there are a couple six unit buildings and a few eight unit buildings as well. Mr. Hus went on to say that it was obvious that the zoning code was different when these buildings were constructed and are well aware of what the Town of Schererville wants to have in this zoning district; unfortunately these properties predate those regulations. Mr. Hus stated that the buildings are fully occupied in a legal non-conforming manner which then creates certain difficulties and hinders investment in such properties, either by the current owner or a potential future owner. Mr. Hus said that if a disaster such as a fire were to strike on a legal non-conforming property with damages greater than 51% of the structure, the property owner is no longer allowed to rebuild what they had previously. Mr. Hus added that a potential new buyer would need the confidence to make a substantial investment in the property because they are investing an amount to a purchase commensurate with the revenue that it generates. Mr. Hus went on to say that would be a hindrance to a purchase; and to his understanding, that hindrance is causing a material impact to said property. Mr. Hus informed the board that the current property owner desires to sell the property and already had a buyer back out because it is in legal non-conformance. Mr. Hus stated that the current owner would like to "clear that up" so that a greater investment could be made with the property and a transfer could take place. Mr. Hus said that at the core of what is being requested is to receive a variance of use and seven developmental variances to bring these properties out of legal non-conformance. Mr. Hus then stated that before going through specific requests, Attorney Jared Tauber would speak on some of the financial benefits that would be a result from these variances to the Town of Schererville.

Attorney Jared Tauber informed the board that in the audience was the current property owner Mr. Steven Ruzich, as well as the potential new buyer Mr. Alexander Stariha. Attorney Tauber stated this was a different hearing on a variance because they are not asking to build something new; the property has been the same way since the 1980s, and when Mr. Ruzich took over the property it remained as is for all this time. Attorney Tauber said that the hiccup began three or four months ago when both properties were under contract to be sold, and the buyer at that time contacted the Town to see if the property conformed to all the standards of the Zoning Ordinance. Attorney Tauber continued on that the buyer was informed at that time that the property was legal non-conforming, and that the legal consequences of that are that a potential new buyer would never be able to get proper insurance to ensure the property. Attorney Tauber went on to say for that reason, the previous buyer backed out of the deal and they are now under contract with a new buyer. Attorney Tauber stated that the contract is contingent upon the approval of all these variances for the existing building. Attorney Tauber wanted to point out that the current taxes on both buildings were around \$18,000 a year in property taxes; and if the variances are approved and the deal goes through, in a few months those taxes are set to increase \$20,000 - \$60,000 a year. Attorney Tauber added that in the span of 10 years, there would be increased taxes for the Town of \$200,000 to \$600,000 in taxes. Attorney Tauber said that if the variances were to not be approved, he would be unable to sell the property; if the variances do get granted, there is nothing new that would be done to those buildings, and they would remain as is. Attorney Tauber concluded that if the variances do get granted, it would be good for both the Town and for them.

Mr. Hus stated that there were a total of 16 action items with 8 items per lot; the first being a Variance of Use and seven Developmental Variances related to side yards, lot coverage, garage sizes, accessory buildings, minor lighting, and a variance related to the dumpsters. Mr. Hus

asked if there were any questions or comments from the board before going through each item. Attorney Bartholomew stated that there were a number of different Developmental Variances being requested, adding that the big question on each of these properties seems to be the transition in the Variance of Use. Attorney Bartholomew went on to say that with how this is zoned, the maximum allowed would be 4-units. Mr. Hus replied that was correct. Attorney Bartholomew asked if they were requesting to transition into a Variance of Use to specifically allow for an apartment complex because currently it is a legal non-conforming use. Attorney Tauber replied yes. Attorney Bartholomew then stated that he was curious if the petitioner had a response to Title XX1 Section 5 (E) of the Zoning Ordinance which states: *A legal non-conforming use shall not be changed to any use other than a use permitted in the zoning district in which the use is located.* Attorney Tauber responded that he does not believe they would even need a Variance of Use. Attorney Tauber stated that when they had originally applied for these variances, the use was multi-family and they are not changing the use; adding that a change of use would be to put in a restaurant. Attorney Tauber went on to say that this is the same as multi-family but would just have more apartments. Attorney Tauber said that his contention all along is that they are not changing the use, just getting variances because there are more apartments. Mr. Jarvis asked how many units were in each building currently. Attorney Tauber replied that there were 16-units in each building. Mr. Jarvis asked if they were wanting to add to those units. Attorney Tauber replied they were not. Mr. Jarvis clarified again that they are being kept exactly as they are currently with 16-units and would not get any bigger. Mr. Jarvis stated a variance would be required because the Ordinance says a maximum of 4-units. Attorney Tauber thanked the board. Mr. Hus said that ultimately what is being requested is that the building still be allowed to provide the same number of units which exceeds the Zoning Ordinance. Mr. Jarvis asked if the variance were not granted would there still be 16-units. Mr. Hus replied that was correct.

Mr. Hus stated that Item **B** is related to side yards, and that each interior lot needs a side yard to be on each side. Mr. Hus went on to say that on one side or both, the parking aisle does extend effectively to the property line. Mr. Hus said that there were asking to be allowed 0' side yards on each side of the lot. Mr. Hus stated that Item **C** is related to lot coverage; the R-3 zoning requires a maximum percentage of the lot occupied by a building to be 30%. Mr. Hus added that currently they are between 30% - 35% and are requesting the percentage be moved to 35%. Mr. Hus went on to say that Item **D** requires that there be a 2' wide green strip along the side and the rear yards. Mr. Hus stated that the rear yard is right up against the property line with pavement, and that at least one of the side yards has pavement. Mr. Hus said that they are requesting to have a 0' green strip along the rear or side lot lines, adding that is once again something that exists today. Mr. Hus continued that in the R-3 Zoning District, you are allowed 100' for a garage which is only 400' for a 4-unit building. Mr. Hus stated that in the case of 2601 Morningside Dr., it currently has two accessory buildings which each hold eight garages. Mr. Hus went on to say that with Item **E**, it does exceed the allowable size by 4,800 sq. ft.; but that would be allowing one garage per unit. Mr. Hus added that seems like a large number but is the same amount per unit as would be allowed. Mr. Hus went on to say that Item **F** is that 2601 Morningside Dr. is deficient by one parking space, adding that the requirement is for 32 parking spaces on its lot but it currently provides 31 total parking spaces. Mr. Hus asked Mr. Hansen to pull up the photograph of the current light fixtures as it relates to Item **G**. Mr. Hus stated that the fixtures were more pedestrian illumination and not site lighting fixtures. Mr. Hus went on to say that they are effectively on the lot line and are requesting the allowance for 3 non-shielded and non-cut-off light fixtures as they are currently. Mr. Hus said that Item **H** regards the requirement that all dumpsters and recycling boxes shall be placed on a paved surface and shall be screened from view; unfortunately, the current dumpsters are unscreened and visible from the street. Mr. Hus informed the board that if the dumpsters were to be relocated out of view from the street it would come at a detriment to parking. Mr. Hus added that they would almost certainly lose one or two parking spaces. Mr. Hus continued that if the dumpsters were to be shielded behind the building, not only would they lose a space, but it would also create other potential difficulties for collection.

Mr. Hus asked if there were any questions or comments from the board before moving on. Mr. Jarvis stated that the dumpster is visible from the street which is not allowed. Mr. Jarvis asked if they had the ability to fence the dumpster in with gates on it like most businesses do. Mr. Hus replied that traveling around the building is already tight. Mr. Jarvis suggested that in order to leave it in that current position make the fencing tight with double gates on the front to hide it. Mr. Hus stated that this item was added just for discussion; and that if the board has an issue, he is positive the current owner and future owner would be happy to eliminate and shield. Attorney Tauber informed the board that Mr. Ruzich does not have an issue with that suggestion. Mr. Jarvis asked Mr. Hansen to zoom in on the sidewalk on the projector screen, and stated it was a safety issue that would need to be addressed. Mr. Jarvis then asked if the owner would have an issue with fixing the concrete by the blacktop where the sidewalk is all cracked. Mr. Ruzich replied that he would have that fixed. Mr. Jarvis stated that Attorney

Bartholomew would ask that down the line to make it part of the record. Mr. Kouros asked if the garages were individual 1-car garages or if it was a one strip community garage. Mr. Hus replied that they are individual garages. Mr. Kouros then asked Attorney Bartholomew if all the tenants of the building had been notified. Attorney Bartholomew asked if the units were owner occupied or rentals. Attorney Tauber replied that each unit was a rental. Attorney Bartholomew stated that only owners are notified. There being no further questions the matter was opened to the floor. There being no comments it was closed to the floor and returned to the board.

Mr. Jarvis made a favorable recommendation of B.Z.A. Case #26-1-1 to the Town Council due to the fact that it would not hurt the adjoining property values, safety, welfare, and general pleasure of the adjoining community; and that although it is not part of the Comprehensive Plan, the buildings were built long before which creates a hardship that cannot be changed. The motion was seconded by Mr. Kouros and carried 3-0.

B. B.Z.A. Case #26-1-2 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: 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

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #26-1-2, as per the agenda item, to approve due to the fact that it would not hurt the adjoining property values, safety, welfare, and general pleasure of the adjoining community; and that although it is not part of the Comprehensive Plan, the buildings were built long before which creates a hardship that cannot be changed; pursuant to all State, Local, and Federal Regulations; and that all fees paid to the Town of Schererville be kept current. The motion was seconded by Mr. Kouros and carried 3-0.

C. B.Z.A. Case #26-1-3 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: 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

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #26-1-3, as per the agenda item, to approve due to the fact that it would not hurt the adjoining property values, safety, welfare, and general pleasure of the adjoining community; and that although it is not part of the Comprehensive Plan, the buildings were built long before which creates a hardship that cannot be changed; pursuant to all State, Local, and Federal Regulations; and that all fees paid to the Town of Schererville be kept current. The motion was seconded by Mr. Kouros and carried 3-0.

D. B.Z.A. Case #26-1-4 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: 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

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #26-1-4, as per the agenda item, to approve due to the fact that it would not hurt the adjoining property values, safety, welfare, and general pleasure of the adjoining community; and that although it is not part of the Comprehensive Plan, the buildings were built long before which creates a hardship that cannot be changed; pursuant to all State, Local, and Federal Regulations; and that all fees paid to the Town of Schererville be kept current. The motion was seconded by Mr. Kouros and carried 3-0.

E. B.Z.A. Case #26-1-5 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: Developmental Variance as required by Ordinance No. 2004, Title VI, Section 5, Paragraph B (1) Building Size – Accessory Building – For multi-family buildings in the 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 allow two (2) accessory buildings, 2,600 square feet each. The combined accessory buildings will exceed the allowable size by 4,800 square feet

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #26-1-5, as per the agenda item, to approve due to the fact that it would not hurt the adjoining property values, safety, welfare, and general pleasure of the adjoining community; and that although it is not part of the Comprehensive Plan, the buildings were built long before which creates a hardship that cannot be changed; pursuant to all State, Local, and Federal Regulations, and that all fees paid to the Town of Schererville be kept current. The motion was seconded by Mr. Kouros and carried 3-0.

F. B.Z.A. Case #26-1-6 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: 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 the 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 regulation by 1-space

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #26-1-6, as per the agenda item, to approve due to the fact that it would not hurt the adjoining property values, safety, welfare, and general pleasure of the adjoining community; and that although it is not part of the Comprehensive Plan, the buildings were built long before which creates a hardship that cannot be changed; pursuant to all State, Local, and Federal Regulations; and that all fees paid to the Town of Schererville be kept current. The motion was seconded by Mr. Kouros and carried 3-0.

G. B.Z.A. Case #26-1-7 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: 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

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #26-1-7, as per the agenda item, to approve due to the fact that it would not hurt the adjoining property values, safety, welfare, and general pleasure of the adjoining community; and that although it is not part of the Comprehensive Plan, the buildings were built long before which creates a hardship that cannot be changed; pursuant to all State, Local, and Federal Regulations; and that all fees paid to the Town of Schererville be kept current. The motion was seconded by Mr. Kouros and carried 3-0.

H. B.Z.A. Case #26-1-8 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: 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

For discussion see item A. Mr. Jarvis asked Attorney Bartholomew if he would like to ask the petitioner about the screening, fencing, and concrete repair before making a motion. Attorney Bartholomew asked if the current owner could state for the record that he is willing to comply with the board's request. Mr. Ruzich replied that he would. Mr. Jarvis made a motion on B.Z.A. Case #26-1-8, as per the agenda item, with the condition to include dumpster screening, fencing, and concrete repair to approve due to the fact that it would not hurt the adjoining

property values, safety, welfare, and general pleasure of the adjoining community; and that although it is not part of the Comprehensive Plan, the buildings were built long before which creates a hardship that cannot be changed; pursuant to all State, Local, and Federal Regulations; and that all fees paid to the Town of Schererville be kept current. The motion was seconded by Mr. Kouros and carried 3-0.

- 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)

Mr. Hus stated that the remaining items for 2633 Morningside Dr. are identical to 2601 Morningside Dr. with two very minor adjustments. Mr. Hus informed the board that with Item N the garages exceed the ordinance by 3,700 sq. ft. making this property deficient by five parking spaces as opposed to one space; adding that the balance of the variances were similar to what was voted on. Mr. Davis asked if there were any questions from the board. Mr. Jarvis asked if there was a separate dumpster for this location or if it was shared. Mr. Hus replied that the way that they are today, the dumpster for 2601 Morningside does sit on 2633 Morningside so most likely there is some cross use by residents. Mr. Hus went on to say that there were two separate dumpsters with one on the extreme north end of 2633 Morningside Dr. as it relates to Item P. Mr. Jarvis stated that this dumpster would need to be screened as well. Mr. Hus replied that it would. Mr. Jarvis then asked that the lighting be clarified. Mr. Hus responded that the request is to simply keep the small decorative lighting as it currently exists which is more so for pedestrian safety. Mr. Hus added that he did not want to leave the lighting out because the Town is very particular about lighting. Mr. Jarvis suggested to change the bulbs to LED. Mr. Davis opened the matter to the floor. There being no comments the matter was closed to the floor and returned to the board.

Mr. Jarvis made a favorable recommendation of B.Z.A. Case #26-1-9 to the Town Council due to the fact that it would not hurt the adjoining property values, safety, welfare, and general pleasure of the adjoining community; and that although it is not part of the Comprehensive Plan, the buildings were built long before which creates a hardship that cannot be changed; pursuant to all State, Local, and Federal Regulations; and that all fees paid to the Town of Schererville be kept current. The motion was seconded by Mr. Kouros and carried 3-0.

- 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

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #26-1-10, as per the agenda item, to approve due to the fact that it would not hurt the adjoining property values, safety, welfare, and general pleasure of the adjoining community; and that although it is not part of the Comprehensive Plan, the buildings were built long before which creates a hardship that cannot be changed; pursuant to all State, Local, and Federal Regulations; and that all fees

paid to the Town of Schererville be kept current. The motion was seconded by Mr. Kouros and carried 3-0.

- 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

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #26-1-11, as per the agenda item, to approve due to the fact that it would not hurt the adjoining property values, safety, welfare, and general pleasure of the adjoining community; and that although it is not part of the Comprehensive Plan, the buildings were built long before which creates a hardship that cannot be changed; pursuant to all State, Local, and Federal Regulations; and that all fees paid to the Town of Schererville be kept current. The motion was seconded by Mr. Kouros and carried 3-0.

- 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

For discussion see item A. Mr. Jarvis made a motion on B.Z.A. Case #26-1-12, as per the agenda item, to approve due to the fact that it would not hurt the adjoining property values, safety, welfare, and general pleasure of the adjoining community; and that although it is not part of the Comprehensive Plan, the buildings were built long before which creates a hardship that cannot be changed; pursuant to all State, Local, and Federal Regulations; and that all fees paid to the Town of Schererville be kept current. The motion was seconded by Mr. Kouros and carried 3-0.

- 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 allow two (2) accessory buildings, 2,050 square feet each. The combined

accessory buildings will exceed the allowable size by 3,700 square feet

For discussion see item **A**. Mr. Jarvis made a motion on B.Z.A. Case #26-1-13, as per the agenda item, to approve due to the fact that it would not hurt the adjoining property values, safety, welfare, and general pleasure of the adjoining community; and that although it is not part of the Comprehensive Plan, the buildings were built long before which creates a hardship that cannot be changed; pursuant to all State, Local, and Federal Regulations; and that all fees paid to the Town of Schererville be kept current. The motion was seconded by Mr. Kouros and carried 3-0.

- 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 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 respect to the regulation by 5-spaces

For discussion see item **I**. Mr. Jarvis made a motion on B.Z.A. Case #26-1-14, as per the agenda item, to approve due to the fact that it would not hurt the adjoining property values, safety, welfare, and general pleasure of the adjoining community; and that although it is not part of the Comprehensive Plan, the buildings were built long before which creates a hardship that cannot be changed; pursuant to all State, Local, and Federal Regulations; and that all fees paid to the Town of Schererville be kept current. The motion was seconded by Mr. Kouros and carried 3-0.

- 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 XVI, 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 all three (3) non-shielded and non-cut off light fixtures for the purpose of pedestrian illumination and safety

For discussion see item **A**. Mr. Jarvis made a motion on B.Z.A. Case #26-1-15, as per the agenda item, to approve due to the fact that it would not hurt the adjoining property values, safety, welfare, and general pleasure of the adjoining community; and that although it is not part of the Comprehensive Plan, the buildings were built long before which creates a hardship that cannot be changed; pursuant to all State, Local, and Federal Regulations; and that all fees paid to the Town of Schererville be kept current. The motion was seconded by Mr. Kouros and carried 3-0.

- 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

For discussion see item I. Mr. Jarvis made a motion on B.Z.A. Case #26-1-16, as per the  
agenda item, to approve pursuant to all State, Local, and Federal Regulations; and there be a  
second screening of the dumpster in its current location. Attorney Bartholomew asked to have  
the current owner's confirmation on record for the second dumpster. Mr. Ruzich stated he  
would take care of the screening. The motion was seconded by Mr. Kouros and carried 3-0.

#### 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 Cline Avenue APPROVED (4-0) 12/8/25

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

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

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

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 US 30 APPROVED (4-0) 12/8/25

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 is requesting one public entrance for 170' of frontage, on its east and west faces  
APPROVED (4-0) 12/8/25

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

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

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

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

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

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

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

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 is requesting two curb cuts, both are existing  
APPROVED (4-0) 12/8/25

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

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

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

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

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

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

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

V. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:45 P.M.

Respectfully Submitted:



Mr. Michael O'Rourke, Secretary