

**MINUTES OF THE BOARD OF
ZONING APPEALS PUBLIC MEETING
JANUARY 27, 2025**

I. CALL TO ORDER

The Board of Zoning Appeals Public Meeting was called to order at 6:00 P.M. by Chairman Tom Kouros.

A. Pledge of Allegiance

The Pledge of Allegiance was recited.

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

II. COMMISSION BUSINESS

A. Introduction of Members

Board members remained the same.

B. Election of Officers

Mr. Jarvis made a motion to elect Mr. Davis as Chairman which was seconded by Mr. Calinski and carried 5-0.

Mr. Jarvis made a motion to elect Mr. Kouros as Vice-Chairman which was seconded by Mr. Davis and carried 5-0.

Mr. Jarvis made a motion to elect Mr. Calinski as Secretary which was seconded by Mr. O'Rourke and carried 5-0.

C. Appointment of Attorney

Mr. Jarvis appointed the firm Burke, Costanza, & Carberry which was seconded by Mr. Kouros and carried 5-0.

D. Approve Minutes of the Board of Zoning Appeals Meeting of November 25, 2024

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

E. Findings of Fact:

1. B.Z.A. Case #24-11-15 2230 Grand Ave. – Ollie J. Hall & Jordell Prather

Petitioner(s): Jordell Prather

Developmental Variance – To allow construction of a 6-foot high fence to extend 17 feet over the building line on a corner lot

APPROVED (4-0) 11/25/24

Mr. O'Rourke made a motion to approve which was seconded by Mr. Calinski and carried 5-0.

III. PUBLIC ACTION AND PUBLIC HEARINGS

A. B.Z.A. Case #25-1-1 751 Lincoln Hwy.

(Proposed: Automotive Service Station w/Car Wash & Retail Development Center)

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

Petitioner(s): Family Express Corp.

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

Request: Variance of Use as required by Ordinance No. 2004, Title XVI, Section 4, Paragraph C (2)

Purpose: To allow the operation of an automotive service station within the U.S. 30 Commercial Corridor Overlay District, which shall also include a Retail Development Center

Chairman Davis asked if Proofs of Publication were in order. Attorney Bott stated that they were. Mr. Jim Wieser of Wieser & Wyllie, LLP started off by explaining to the members of the public about the process for seeking a variance. Attorney Wieser said that they were seeking a variance of use which is the first step to the process, and are required to go before the board at a later date with specific details such as the layout, site plans, engineering, etc. Attorney Wieser went on to say that the Town of Schererville adopted a specific zoning ordinance for both U.S. 30 and U.S. 41 called the Overlay District which is different from the basic underlying Zoning Ordinance. Attorney Wieser stated that they had met the criteria for the ordinance, but the Overlay District created more requirements. Attorney Wieser said that one item that would go along with that would be descriptions of various types of uses such as an automobile service station, it was determined after meeting with staff that this use qualified under that definition, even though they are technically not the “traditional automotive service station”. Attorney Wieser added that the primary use of Family Express would be the convenience store. Attorney Wieser then presented a power point presentation on the background of Family Express stating that this was a local business formed nearly fifty years ago, adding that there were locations across central and northern Indiana with nearly 1,000 employees. Attorney Wieser stated that the focus of Family Express is the high quality state-of-the-art convenience store. Attorney Wieser said that he understood concerns about the ultimate use and consideration that when hearing automatic gas pump, one would think that the emphasis would be on gas and fuel which is a false assumption. Attorney Wieser added that the products that they produce themselves are hot food service with restaurant quality meals with a variety of breakfast, lunch, and dinner options. Attorney Wieser continued to say that they have dozens of employees that have been with the company for 25-30 years. Attorney Wieser added that they offer a career opportunity to work in the stores interviewing fifty candidates to hire one team member, because they are very careful with how they want to be perceived by the public. Attorney Wieser then stated that the Family Express Company have been recognized for their operation in a number of different ways, and have obtained several awards over the years as one of the best run and operated businesses in the northern part of the state, specifically in Lake County.

Attorney Wieser informed the board that the Von Tobel site is zoned Highway Commercial (C-3) and is 6.16 acres with three attached buildings, including a 29,200 sq. ft. stand-alone storage building. Attorney Wieser stated that with any development, rather replacing an existing or creating a new one, come issues regarding engineering and traffic studies; all those types of issues if successful in the use process would come along in other areas. Attorney Wieser added that this proposal is to demolish the north west storage building to provide additional parking; and it would be clear that if approved, additional parking would be required so anticipation and knowing that would be a question posed during the site plan process wanting to make sure to let everyone know upfront that there would be more than adequate parking provided. Attorney Wieser went on to say that Family Express is going to occupy about 9,500 sq. ft. of what is going to be proposed about a 50,000 sq. ft. high-end retail commercial development. Attorney Wieser then stated that the 9,500 sq. ft. would primarily be the convenience store that they establish on site. Attorney Wieser then mentioned that since word got out about the proposed development, there had been interest expressed for the retail portion of it from medical providers, high-end commercial businesses, and high-end retail businesses. Attorney Wieser explained that depending on how the development went and how many tenants there would be and what they would be, they would need to make those decisions that are in the best interest of the development and the community. Attorney Wieser stated that the convenience store would have enhanced hot food service, indoor/outdoor seating for dining, fresh perishables such as Family Express milk, Cravin’s Market sandwiches and wraps, and other high quality food items.

Attorney Wieser then stated that Family Express would be proposing a 1,300 sq. ft. automated carwash that would be environmentally friendly with a specialized biodegradable cleaning agent, and would have six fuel dispensers. Attorney Wieser said that the convenience store parking would be thirty-five total spaces, and the retail portion would have considerably more anticipating that Family Express alone would create 15-20 new jobs. Attorney Wieser then showed an overhead view of the Von Tobel site. Attorney Wieser stated that because the intersection of Cline Ave and U.S. 30 is highly trafficked, it becomes a very important intersection to the community; therefore, they wanted to make sure that the use of the property is in the best interest of the community. Attorney Wieser then showed the Conceptual Site Plan, stating that conceptual is the perfect term because they wanted members of the Board to understand what it is that Family Express hopes to accomplish. Attorney Wieser showed on the projector screen the additional parking area to the north west of the property from the demolition of the storage building. Attorney Wieser continued to say that the proposal is to have some interconnectivity with the traffic flow that would lead into and connect to the existing retail commercial development to the south. Attorney Wieser then showed different perspectives of what the development would ultimately look like to get a sense and feel of the layout; the building is intended to be high architectural design and development with current modern standards. Attorney Wieser went on to show different renderings of the entire site and what the architecture and design would look like with the retail tenant space as well as the carwash building with different views of the renderings of the entire site. Attorney Wieser stated that he did not want to get into the specifics of the roadway and would discuss that along with traffic flow as the variance process moves along. Attorney Wieser added that the ballpark estimate of this development would be upwards of \$20 million. Attorney Wieser concluded that he had some additional comments regarding the law requirements contained in the Indiana Statutes after members of the public have spoken, and that both he and Family Express Representative Pete Andreou would be happy to respond to those comments.

Mr. Kouros asked if the storage unit behind the carwash to the left would serve a purpose. Mr. Andreou replied that the unit was just under 3,000 sq. ft., and that they were looking at renting it or possibly selling that portion. Mr. Kouros asked if it was correct that behind the Family Express would be the offices with the carwash upfront but do not know at this time what the storage building would be. Mr. Andreou responded that the Family Express portion is only 1/3rd of the Von Tobel retail, so they would be taking approximately 9,500 sq. ft. of that box; the rest of the building could either be a single tenant or a multi-tenant space. Mr. Andreou went on to say that just because there are two different roof planes does not mean it could only have one tenant; for example if it were a medical facility that would be going in, it could be that entire facility. Attorney Wieser wanted to make note that the Family Express portion of this development would be roughly 18% of the entire square footage, the total being a little over the projected 50,000 sq. ft., and Family Express would be only 9,500 sq. ft. of that. Mr. O'Rourke asked how many cars a day do they estimate would be going in and out. Attorney Wieser responded that they were not prepared to answer that question because that matter gets dealt with during the site plan development process; reminding the board that they were only petitioning for the use at this time. Attorney Wieser then asked Mr. Andreou if he would be able to come up with a best guesstimate for this size of development, adding that it would just be a guesstimate and not to hold them to that because they were not in that process just yet. Mr. O'Rourke stated that he saw 111 parking spaces so it sounded like a lot of cars would be going in and out on that site, not including the storage building for whatever use that would be; but right then, they were only talking about the gas station and convenience store. Mr. Andreou replied that was correct and that the storage facility had only been used for storing lumber, the use was more so warehouse storage. Mr. O'Rourke then stated that it had been mentioned it was for medical use or something else. Mr. Andreou stated that it would not be for that building and that it would be for the rest of the building that was attached to the 2 remaining buildings; so they would either sell or rent it to someone who wants to put up outside storage.

Mr. Calinski stated that this was a nice location with a lot of traffic and value and that he loved the idea of the commercial, the professional service territory, and opportunities there; then asked if there were any thoughts on potentially not having a service station there. Mr. Calinski added that he was familiar with Family Express and would do a great job in the community but does not feel like that would be the best use for this facility. Mr. Andreou stated that they would like to put a convenience store there and it is a great corner and are very interested in developing it and would want to use upscale durable materials that would blend in contextually. Mr. Andreou went on to say that the north façade may change depending on the use; currently is a big retail box so that could be collated in a variety of materials. Mr. Andreou stated that right now this was just conceptual thinking and it might be a single tenant in the middle besides the Family Express, and the back end may be a multi-tenant space; then reminded the board that they had received interest from various sectors. Mr. Andreou went on to say that they were looking forward to going into that space; that they are a convenience store and that has restaurant quality food, quality employees, fresh food with their own bakery which was

currently enlarged so they are certified to sell to other clients; but make their own donuts, cookies, muffins and offer much more than a typical gas station. Mr. Calinski asked if the 9,500 sq. ft. convenience store is larger than the typical model that they use. Mr. Andreou replied that it was a bigger model; and the reason is that with this being an existing facility with structure, he had redesigned the current prototype of 5,800 sq. ft., and that because of the size and shape of this facility they just went to the nearest column line and that came to about 9,000 - 9,500 sq. ft. Mr. Andreou added that they were looking at enhancing the food program to have more restaurant quality type of feature. Mr. Andreou asked Mr. Hansen to put the site plan back up on the projector screen. Mr. Andreou showed that the shaded blue area as the Family Express portion, the light gray is about 32,000 sq. ft. available. Mr. Andreou stated that the parking space requirement depends on the use, an office use is going to need more parking than retail and plan to meet code; what would not be needed in parking would turn into green space or bioswales. Mr. Davis stated that he would like to go back to the traffic flow that Mr. O'Rourke had brought up because he believed it would be heavier than what Von Tobel had; then asked if they had given anymore thought to the traffic going out of the gas pumps and carwash, and the merging of the cars. Mr. Davis added that when cars leave the complex, they are going to go back heading east towards Cline Ave. to either turn right or try to cross the street. Mr. Andreou stated that he believed the entrances were located far enough away from the intersection; then added that the original entrance to the facility was further north, and they had moved the entrance further south to accommodate the development directly to the south of this property. Mr. Andreou went on to say that the majority of the customers would be people already on the roads and are going to go in to get serviced whether its fuel or food. Mr. Andreou said that he believed they had two great access points along Route 30 and does not believe it would be an issue given the location of them. There being no further comments or questions from the board, the matter then opened to the floor.

Mr. Jeff Minard from 1279 Poppyfield Place asked for people to keep an open mind because this gas station is on a different level from most gas stations and would argue that this would give competition to other stations that have been run down in Schererville for them to upgrade. Mr. Minard said that the Pennsy Greenway Trail is located behind this facility and it would be a great opportunity to make Family Express bike friendly; families would go there on bikes and have a place to park and get a meal to eat outside or inside, and then continue their ride on the trail. Mr. Minard added that it would be a great idea to have a storage building where people could pay a small fee to store their bikes; adding that a lot of people do not have a lot of room for storage in the garage and therefore would need to transport them to get onto the trail. Mr. Minard continued to say that customers could store them right by the trail, they could pick up their bikes and then be on their way. Mr. Minard concluded that there are not many places on the bike trail to go to take a break, and this would be a convenient place for families.

Mr. Mike Winarski from 1767 Govert Drive stated that traffic on Cline Ave. is horrendous enough without having more vehicles coming into this gas station. Mr. Winarski asked the board to think about what would happen once Kennedy Ave closes down and how all the traffic going north and south would be diverted to Cline, Route 41, Colfax, and Burr Street, causing even more traffic. Mr. Winarski went on to say that there are two other strip malls in this area and those businesses are very concerned about traffic and everything else that would go with it. Mr. Winarski said that he had already spoken with residents in the area who have a difficult time getting on Cline Ave. because traffic backs up all the way past Peifer School going north bound and all the way to the cemetery going south bound; adding that people that come out of Luke Gas Station on the south side of Route 30 have a hard time because people do not let them out. Mr. Winarski then stated that Cline Ave. only has two lanes that ran north and south; the petitioners say the traffic study would be down the road so they "kick the can"; and down the road when this gentleman gets the ok, nothing would be done. Mr. Winarski then said that the problem with the Town of Schererville is there is no infrastructure planning at all and this would be a terrible location. Mr. Winarski went on to say that he has talked to merchants from businesses and the employees have to wait 15-20 min to exit onto Cline and that there needs to be more thinking involved.

Mr. Jeff Podgorny stated that both he and his wife Jennifer live at 7512 Fawn Valley Drive and are also business owners in Schererville south of this property and wanted to express concerns with traffic. Mr. Podgorny noted that he had visited Family Express in the past and believed it to be a fine facility but does not believe it is right for the area; adding that traffic is difficult already with a single lane going one way in and one way out. Mr. Podgorny agreed with Mr. Winarski that traffic will get worse as time goes on with the Kennedy Avenue Project because it would create a lot of issues that need to be thought of before something like this would be approved. Mr. Podgorny went on to say that another issue would be market saturation because there are ample filling stations within one light of each other; there are currently two existing stations so why would the Town want to cover 75% of the area with filling stations. Mr.

Podgorny suggested to consider a better use, and that he liked the idea of a medical facility or something of that nature, but as a property owner in the area he was not in favor.

Mr. Podgorny then stated that taking time to do the traffic study is extremely important before taking the next steps. Mrs. Jennifer Podgorny stated that she and her husband's business is located in the South strip mall with Social 219, LiqGo, and the new Jodi's Italian Ice Factory, and believed that the traffic study could not wait; the traffic is unbelievable to get in and out of that parking lot. Mrs. Podgorny said that the Luke Gas Station on the southeast side of Cline Ave. currently has a no left turn out to get out, but people still make illegal left turns causing a large number of accidents and almost accidents. Mrs. Podgorny went on to say that when she goes to cross the street towards Fawn Valley to get home at 5:00 P.M., it could take about 20 minutes to get out onto Cline. Mrs. Podgorny added that the purpose of having the roundabout is to help with rush hour traffic, but she is unable to turn right to go through that because the line is backed up to the stop sign. Mrs. Podgorny then stated that the traffic from this along with the 113 parking spaces and gas station would cause her to leave her tenancy because she and staff would not be able to get out safely. Mrs. Podgorny went on to say that this would be an auto service station and it being said that this would be "different in terms of this" is not accurate; most gas stations could say that it is not the profit from the gas, it is with the convenience store. Mrs. Podgorny then added that not only would there be must more traffic from the convenience store, but pollution needed to be considered as well; they would need to dig up to put in pumps and tanks underground and could start a leak. Mrs. Podgorny continued to say that this would not be the best use and that the infrastructure was not there. Mrs. Podgorny then said that there was currently two gas stations there and that with traffic already being there from the other businesses and the walking path with pedestrians, it would be too dangerous. Mrs. Podgorny concluded by saying the two lanes on Cline would not support this, and that the ordinance could not be changed without doing a traffic study.

There being no further comments the matter was closed to the floor and brought back to the board. Mr. Jarvis stated that he was aware that they were only seeking a Variance of Use but thought that this being located somewhere else would be a much better option. Mr. Jarvis went on to say that his concern is the drive to get to those pumps, and that there would be a curve to get in right off the parking lot which would be too tight; and that most stations are making more room to access the pumps. Mr. Jarvis said that he had reservations and thought that it would be better down by the old Illiana or somewhere else; Family Express would be great to have in the community but would not be best used for this location. Mr. Calinski asked if based upon whatever recommendation they gave, would it move forward to the Town Council or the Plan Commission. Mr. Gorman replied it would go to the Town Council first. Mr. Kouros asked if Von Tobel would be closing. Mr. Andreou responded that they had closed. Attorney Weiser added that Von Tobel had consolidated their business in Valparaiso. Attorney Wieser then stated the corner was valuable; and regardless of what took its place, it would generate traffic; going on to say he was aware that traffic is an issue and a traffic study is not only warranted but necessary and will do whatever the Town directs relative to that. Attorney Wieser stated that he was unsure how one could estimate or guess how much more traffic this development would have than another development that would go in. Attorney Wieser added that as an example a major medical facility, depending on the nature, would generate much more traffic. Attorney Wieser went on to say that no matter what is ultimately developed there would create traffic. Attorney Wieser stated that Mr. and Mrs. Podgorny were correct about the right in right out at the Luke Station that is too close to the intersection, but this would be farther back. Attorney Wieser then stated that he lives on the north side of Route 30 down a few blocks and drives by there every day and knows everyone has the same concerns about traffic and needs to be handled in an orderly fashion. Attorney Wieser continued to say that something would develop on that property, and they we don't want a big box sitting there undeveloped for a long time, and hopefully something goes in there; but whoever goes there it would generate traffic. Attorney Wieser then said that how it was generated and what type it would be is an issue that could be addressed and resolved appropriately at the proper stage; what is being presented was just the Concept Plan and was not cast in stone, and just gives a good idea of what is intended. Attorney Wieser went on to say that this plan doesn't give the geometry or the specific layout, and that they were aware of that; but as every remonstrator stated, Family Express is a great operation, wonderful business, and to have one in Schererville will be important to the community.

Mr. Davis asked Mr. Gorman if there have been any recent traffic studies in that area of Town. Mr. Gorman responded there have not been. Mr. Calinski stated that Von Tobel has been a staple in Schererville for a long time and with them closing the doors he understood that business is business, and that he does not think as a community we should be in a rush to see redevelopment happen. Mr. Calinski continued to say that we should let the market figure out what is possible because there is an Overlay District for a reason; give it an opportunity to find the type of development that will work best and see what happens. Mr. Calinski said that he completely agreed with the traffic concerns and also thinks it should be considered what would

be the best potential use for that corner in the community, adding that the board is just giving a recommendation and that the Town Council needs to make the decision because that is what they are elected to do. Mr. Calinski then stated that based on the Commercial Corridor Overlay District and the spirit and goals behind that as well as traffic concerns and we get one time to look for redevelopment of that site, made an unfavorable recommendation of B.Z.A. Case #25-1-1 to the Town Council. Mr. O'Rourke seconded the motion. During roll call Mr. O'Rourke said yes to the unfavorable recommendation and the motion carried 5-0.

B. B.Z.A. Cases #25-1-2 26 Maple Ct. – Ronald C. & Mane DeCastro

General Location: 26 Maple Ct. – Lot 103, Plum Creek Village 3rd Addition, Block 2

Petitioner(s): Dimension Fence, Inc. – Ray Hall, III and Hannah Jackson

Request: Developmental Variance as required by Ordinance No. 2004, Title XVII, Section 14, Paragraph A

Purpose: To allow construction of a 6-foot high privacy fence to extend 16-feet over the 20-foot building line on a corner lot

Mr. Davis asked if Proofs of Publication were in order. Attorney Bott replied they were. Mrs. Hannah Jackson from Dimension Fence informed the board that they were petitioning to put a 6 ft. high vinyl privacy fence 16 ft. past the 20 ft. building line and would be 4 ft. away from the sidewalk. Mrs. Jackson stated that the fence would not cause any site line issues and would be on the same line as some of the other fences in the neighborhood. Mr. Kouros said that in the picture provided there was a window on the side of the house and asked if the fence would be privacy for that as well. Mrs. Jackson replied that was correct and that it would start at the front corner of the house, go out to meet the neighbors' fence, then go all the way across and back up to provide privacy and security for the entire backyard. Mr. Jarvis asked if they had considered putting the fence back on the back corner of the house instead of all the way up towards the front. Mr. Ronald DeCastro replied that the reason for the fence beginning at the front of the house was to protect that window in a high trafficked area. Mr. DeCastro went on to say that he had refurbished his deck and would like some extra privacy when he has company over and wants to not only enjoy his backyard but also to not worry about the kids and there being cars. Mr. Jarvis stated that if the fence started at the back corner of the house then goes back it would still cover the backyard. Mr. DeCastro responded that he kept his IT equipment and valuables in the room with the window and would like to protect that and make sure no one could look in as well. Mr. Davis asked if there were an HOA. Mr. DeCastro replied there was not. Mr. Davis then stated that the neighbor to the north has an existing fence that runs down the side and if this fence goes up it would be the only one going down that side of the neighborhood. Mr. DeCastro replied that the brown house goes down the same side as does the house on the same corner across the street; it extends all the way to the garage so it would also be along Spruce St. Mr. Davis wanted to verify that the reason he wanted to put the fence up would be for privacy. Mr. DeCastro stated that he is a retired police officer and there has been more and more traffic from Main St. and Indianapolis Blvd.; a lot of people would run to the neighborhood and just last year someone was hiding in the neighbors backyard two houses down. Mr. DeCastro added that he wanted to protect his property the best that he could. Mr. Davis then asked if there had been any communication with the neighbors. Mr. DeCastro stated that he notified his neighbors and that the neighbor who lives in the brown house was present. Mr. Calinski stated that he would love to hear from that neighbor because his concern would be the fence cutting off the view as they walked out of their home.

Mrs. Ljubica Rokosz from 1016 Spruce Dr. approached the podium and stated that she lived at the red house on the west side of Mr. DeCastro and that his house butted up against hers. Mrs. Rokosz stated that she has a fence there as well so they would butt up against each other and after a few conversations she does not have any issues with it. Mrs. Rokosz informed the board that since she put her fence up there had been less traffic in her backyard and wished that for him also because there were too many crazy people in the neighborhood. Mr. Davis opened the matter to the floor. Councilman Kevin Connelly from 1025 Spruce Dr. stated that he lived across the street and that he would have the view of the fence. Councilman Connelly stated that after talking to the petitioner at length about his concerns and how it would be somewhat identical from the neighbor across the street, he did not have any concerns. There being no further comments the matter was closed to the floor. Mr. Kouros made a motion to approve B.Z.A Case # 25-1-2 citing security concerns and that it had been done in the area as well. The motion was seconded by Mr. Jarvis and carried 5-0.

After this case had closed, Mr. Kouros left the meeting at 7:30 P.M.

- C. B.Z.A. Case #25-1-3 Brian Lantz – (Commonly Known As: Jarrett's Southern View)
(Proposed: Lot 8 and Lot 23 of the proposed development)

General Location: N. of 85th Ave., E. of Amber Fields Subdivision and West of
Manchester Ln. in Pine Hill Subdivision, Unit 2

Petitioner(s): Brian Lantz

Represented by: DVG Team, Inc. – Engineer, Doug Rettig

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

Purpose: To allow a reduction of the side yard setback from 30' to 20' on the corner lots – Lot
8 and Lot 23

Mr. Davis asked if Proofs of Publication were in order. Attorney Bott wanted to make note that the DVG Team is an active client on a nonrelated matter with Burke, Costanza, and Carberry for the board's disclosure; then replied that the notices were in order. Mr. Doug Rettig from DVG represented Developer Brian Lantz of Homes By Brian. Mr. Rettig stated that they are requesting two separate variances, and will deal with them separately. Mr. Rettig asked Mr. Hansen to pull up a drawing of the subdivision on the projector screen, which he did. Mr. Rettig said that what was shown was just the potential Concept Plan for this proposed subdivision that lies between Amber Fields Subdivision and the Pine Hill Subdivision; adding that currently Manchester Lane comes to a dead end heading east out of Amber Fields and west of Pine Hill. Mr. Rettig went on to say that this subdivision would be a connection of Manchester Lane which Mr. Lantz has owned for some time. Mr. Rettig stated that the first variance would be for Lots 8 and 23 which are located on the north end of the subdivision. Mr. Rettig reminded the board that the ordinance typically calls for 30 ft. setbacks throughout the entire subdivision; and that they are requesting to reduce the side yard setback on just one side on both corner lots to go from 30 ft. to 20 ft. to give more room to build a larger house. Mr. Rettig stated that they had not gone through engineering yet. Mr. Rettig then said that this variance would just be for corner Lots 8 and 23 with a side yard setback from 30 ft. to 20 ft. to make the lots more buildable, and the front yard setbacks will remain 30 ft.

Mr. Jarvis asked Mr. Davis if they would be hearing both petitions together. Mr. Davis replied that they could and read in the request for **B.Z.A. Case #25-1-4** for the record. Mr. Rettig stated that the second variance request would only affect Lots 14, 15, 16, and 17 in the cul-de-sac on the south end, and this would be for a reduction to the front yard setback from 30 ft. to 25 ft. Mr. Rettig went on to say that the cul-de-sac lots get tight, and the reason was to have the largest buildable area possible. Mr. Rettig then said that they were only seeking permission for those two developmental variances for this subdivision; and if these are not granted, they would modify the sketch accordingly, and that the number of lots would not change, Mr. Lantz just liked the idea of having more room for larger homes. Mr. O'Rourke stated that he believed that Buckingham is that street that runs through, not Manchester. Mr. Rettig responded that was correct, and apologized for the mistake. Mr. O'Rourke asked in regards to the side yard setback for Lots 8 and 23, which direction would the front of the house face. Mr. Rettig replied that Lot 8 would face north towards Buckingham so the reduction would be on the north/south side of the street. Mr. Rettig went on to say that Lot 23 would be the exact opposite, the house would face east towards the cul-de-sac street with the reduction being on the north side. Mr. Jarvis asked if the cul-de-sac Lots 14-17 show reference to a future home with the setbacks if granted. Mr. Rettig replied that the boxes shown are drawn generically in size but believed they were about 50 ft. deep and 80 ft. wide. Mr. Jarvis then asked if that would be close to the setback on the drawing provided. Mr. Rettig responded that it is 30 ft., and that they are looking for a reduction to 25 ft.; and that you could see with Lots 14 and 15 that they are getting close in the backyard. Mr. Rettig went on to say that this reduction would give a little more room for people to be able to enjoy their backyard. Mr. Calinski asked what was the width of the proposed lots and how would that compare to the subdivisions located to the east and west. Mr. Rettig stated that this proposed subdivision is Zoned R-1 which was consistent with the other two subdivisions. Mr. Rettig went on to say that the minimum lot width was 80 ft. with a minimum lot size being 12,000 sq. ft., with 80 ft. x 150 ft. deep lot on average. Mr. Rettig added that the criteria that needs to be met are 80 ft. wide lots and the corner lot would have to be even wider which they are. Mr. Rettig then stated that they were not asking for any reductions on that because they meet the zoning requirements.

Mr. Calinski asked if there has been a covenant set for this particular subdivision yet; and if not, would there be a plan for anything like that. Mr. Rettig replied that there would be once they got to that point, but they are still on the first step. Mr. Rettig went on to say that they had introduced this at the Plan Commission Study Session a couple months ago and wanted to get through this variance process to see if they could be successful; which they would then "fine tune" the drawings and go back before the Commission for engineering approval in the coming months. Mr. Calinski asked for a better understanding on the need, the hardship, what kind of homes would be built there, general square footage, or even a drawing of a model home. Mr. Rettig replied that Mr. Lantz built custom homes, and that some people want ranch style home which take up a bigger footprint; two stories were easy to fit on these lots; but if somebody wanted a custom home with a bigger footprint, you would need more room. Mr. Rettig added that it comes down to making the lots more buildable for larger homes if desired, and that it depends on what somebody picks if the variance would even be needed.

Mr. Jarvis asked for a general idea on what the price would be for these homes. Mr. Brian Lantz responded that he had developed Amber Fields, Fawn Valley, BrambleWood, and a lot of other mostly upscale subdivisions. Mr. Lantz went on to say that he had asked for the same corner lot variances on four or five lots in Amber Fields for the same issue. Mr. Lantz said that he was not looking to do anything all that different then what was done in Amber Fields to the west; but that one of the differences was that these would be nicer more upscale homes. Mr. Lantz continued by saying that his sons property is south of this and would like for his home to be surrounded by nice backyards and houses that were nice to look at. Mr. Lantz stated that the reason for the variance on the cul-de-sac was because people were looking to have bigger houses, and that it could be difficult to fit some of these homes in one of those lots because of the arc of the cul-de-sac. Mr. Lantz stated to look in the back two corners of Lot 15, and you can see how close they start to get to the rear yards; then you run into the minimum of a 30 ft. setback in the backyard that is one of the biggest problems. Mr. Lantz added that he was still sitting on a cul-de-sac lot in Amber Fields that he has been having a difficult time trying to get a house to fit on because the big arch encroaches on the front yard itself. Mr. Lantz went on to say that people have also said an issue was that the neighbor's house sits so far forward in comparison on a street where all the houses are in line with each other. Mr. Lantz said that by allowing the setback line to move 5 ft. up, they wouldn't feel like they were staring at neighbors' backyards. Mr. Lantz then stated that the main goal is to build a nice project surrounding this property, and that he just needed some help with Lot 8, Lot 23, and the Lots 15-17 in the cul-de-sac. Mr. Lantz went on to say that he could not really answer price wise, and that he had been asked by a couple people about what the subdivision would look like. Mr. Lantz said that although he did not have a set of covenants written yet, but it would be bigger than anything adjoining it. Mr. Jarvis asked if he could get an assurance that they would be equal to or more than the surrounding subdivision. Mr. Lantz responded that he could not speak for Pine Hill because those were good sized houses that were not abutting the property, but could tell them that the first two people he had priced houses for were \$790,000 and \$850,000. Mr. Jarvis replied that it gave a good idea. There being no further comments from the board, the matter was then opened to the floor.

Mr. Jim Thrall from 3124 Manchester Lane stated that his property butts up to Lots 14 and 15; and that when Brian built his son's house, it caused some flooding in the backyard. Mr. Thrall went on to say that he had moved in pea gravel to try to eliminate the flooding; but anytime there was an appreciable amount of rain, the back corner of his lot gets flooded. Mr. Thrall said that his concern was that this would leave more water running off onto his property which would cost an expenditure of heavy pumping. Mr. Thrall added that Outlot A had a marshland in it with trees; although he has decent sized trees as well, he is worried about not having privacy with his pool. Mr. Thrall concluded that he is concerned that not only would this cause more flooding, but it would wreak havoc on to wildlife and more. Mr. Terry Bley from 3118 Manchester Lane informed the board that he lives directly behind Lot 14 and has lived there for 25 years. Mr. Bley went on to say that water is a major issue; and that when Mr. Lantz had drained his pond and filled it in behind them with the overflow, he then dumped the landfill there that affected the water in the wetlands. Mr. Bley added that Outlot A is a nature preserve with deer, geese, and all kinds of things that he had seen over the years. Mr. Bley suggested that he take the Lot 14 curve and curve it towards his son's property instead of coming so far back where it is very close to his backyard. Mr. Bley stated that it would also be cutting into Outlot A which is definitely a water concern. Mr. Bley then said that he had wondered if they have done an Engineering Survey as to where the water would be going. Mrs. Linda Vanderwoude from 3021 Ashton Hill stated that she resides directly behind Lot 26 and had noticed that Lot 23 was located on wetlands, and that there were two other wetlands there. Mrs. Vanderwoude went on to say that she believed the retention pond was supposed to handle the water that accumulates there but does not think it was adequate, and hoped that he had done some good engineering about that. Mrs. Vanderwoude concluded that she was not concerned

that her house would flood particularly; but with this being an extremely wet area, she had hoped they would preserve the wetlands. Mr. Bill Hedrick from 3112 Manchester Lane stated that he was concerned about Outlot A because parts of the lots came all the way up to their end of the property which is a wetland area, and asked if Mr. Lantz owned that. Mr. Hedrick went on to say that was the main concern because that was a drainage area and is a wetland, and it filled up with water when it rained with no houses there. Mr. Hedrick added that he was concerned for the water mitigation from the houses that are going to come off the roofs and are going to come down and asked what the topography was there. Mr. Hedrick then stated that all of our lots came down to that lower end; so with the increase of building there, it would increase the amount of water that is going to be in that retention pond. There being no further comments the matter was closed to the floor and returned to the board.

Mr. O'Rourke asked Mr. Gorman if it was correct that all that was being asked in this meeting was the setbacks. Mr. Gorman replied that was correct and that the engineering, storm water management, and all that would come later. Mr. O'Rourke stated that he just wanted to make sure everyone understood that all that they were being asked was the setbacks, and that they did not have any control over where the water goes or any engineering for that. Mr. Calinski referred to the remonstrator who had come up regarding Lot 14 and how that road seemed to tee up towards those homes, but it seemed like there was an area on the side of Lots 16-19 that would minimally impact the residents who had lived there for years. Mr. Calinski added that he lived in Pine Hill and was not opposed to the project and would like to see some opportunity to where they would not have to ask for a variance when they were looking to butt up to those homes on Manchester. Mr. Calinski went on to say that he understood that they wanted a nice development with nice high-end or custom homes, but is challenging when there are opportunities on the other side where the development could fit and not need a variance, even if it is for 10 ft. or whatever the case may be. Mr. Gorman said that he did not believe that the property is in Schererville. Mr. Calinski asked which one. Mr. Gorman replied the property right next to where he was saying to move the cul-de-sac over. Mr. Calinski asked on Lot 14. Mr. Gorman responded that he was saying to move the road by Lots 16, 17, and 18. Mr. Calinski responded that he was talking about how the road slants out and comes back in. Mr. Gorman stated that he thought he was talking about the whole property to move 10 ft. Mr. Calinski said that since Lot 19 has a very large backyard wouldn't there be an opportunity to equal out that where you don't have the justification of Lots 10-14 that are pushed back east. Mr. Gorman responded that he does not believe it would change those setbacks.

Mr. Rettig stated that they were trying to move those houses closer to the cul-de-sac and give more room in the backyard, specifically on the Pine Hill side. Mr. Lantz said that what they are trying to accomplish is to get the houses a little bit closer to the street and move further away from the houses that butt up to Lots 13, 14, and 15, and that is what he was petitioning for. Mr. Lantz then said that the curve in the road is just for esthetics, it makes it look nicer and created more depth in the Lots so they could move further away. Mr. Rettig added that with Outlot A on the whole east side, you could see that there is an easement line behind Lots 9-12; the east side of Outlot A is an existing drainage easement, and they would not touch that. Mr. Rettig went on to say that it is an existing detention facility for Pine Hill so all the vegetation and all that water would keep doing what it was currently doing. Mr. Rettig then stated that they were limited to what they could build and will respect the easement line; people would own those large backyards but would have to be left in its current state for drainage purposes. Mr. Jarvis made a motion to approve B.Z.A Case #25-1-3 pursuant to all State, Local, and Federal regulations. This was approved by Mr. O'Rourke and carried 4-0.

D. B.Z.A. Case #25-1-4 Brian Lantz – Commonly Known As: Jarrett's Southern View)
(Proposed: Lots 14 through Lot 17 of the proposed development)

General Location: N. of 85th Ave., E. of Amber Fields Subdivision and West of Manchester Ln. in Pine Hill Subdivision, Unit 2

Petitioner(s): Brian Lantz

Represented by: DVG Team, Inc. – Engineer, Doug Rettig

Request: Developmental Variance as required by Ordinance No. 2004, Title IV,
Section 4, Paragraph C

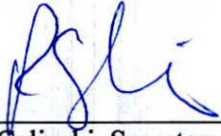
Purpose: To allow a reduction of the required 30' front yard setback to 25' on the proposed lots 14 through 17

For discussion see above. Mr. O'Rourke made a motion to approve which was seconded by Mr. Jarvis and carried 4-0.

IV. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:45 P.M.

Respectfully Submitted:



Rick Calinski, Secretary