

**MINUTES OF THE BOARD OF
ZONING APPEALS PUBLIC MEETING
OCTOBER 28, 2024**

I. CALL TO ORDER

The Board of Zoning Appeals was called to order at 6:03 P.M. by Vice-Chairman Michael Davis at the Schererville Town Hall, 10 E. Joliet St.

A. Pledge of Allegiance

The Pledge of Allegiance was recited.

B. Roll Call

Roll Call was taken with the following members present: Vice-Chairman Michael Davis, Secretary Rick Calinski, and Mr. William Jarvis. Staff present: Town Manager James Gorman, Director of Operations Andrew Hansen, Planning & Building Administrator Denise Sulek, Recording Secretary Megan Schiltz, Attorney Lauren Konagel, and Associate Attorney Bryan Bott from Burke Costanza & Carberry. Absent were Chairman Tom Kouros and Mr. Michael O'Rourke. In the audience were Councilmen Caleb Johnson and Thomas Schmitt.

C. Approve Minutes of the Board of Zoning Appeals Meeting of August 26, 2024

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

II. PUBLIC ACTION AND PUBLIC HEARINGS

A. B.Z.A. Case #24-10-13 421 Summer Dr. – Michael & Claudia Solis

General Location: 421 Summer Dr. – Spring Hill Addition, Unit 1, Lot 30

Petitioner(s): Michael & Claudia Solis

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

Purpose: To allow a 12' X 8' tool shed to be placed approximately 8 feet over the 30-foot building line

Mr. Davis asked if Proofs of Publication were in order. Attorney Konagel replied that they were. Mr. Michael Solis stated that he resides in a cul-de-sac located at 421 Summer Dr. and that he doesn't have a large backyard; adding that he has a swimming pool in the middle of the yard, as well as a pergola on the back patio. Mr. Solis went on to say that he would like to put up a professionally installed 8x12 shed on the other side of the pergola, which would be right over the building line on his corner lot. Mr. Solis then showed the board pictures on the projector screen showing where the proposed shed would go. Mr. Solis said that the shed would be away from the street and sidewalk, and that it would not block the view of drivers in the area. Mr. Solis continued to say that the shed would go towards the pool and pergola area and that it would be behind the tree line. Mr. Solis added that it would not obstruct drivers turning any direction on the street. Mr. Calinski asked the petitioner if he had spoken to any of his neighbors, especially the neighbor who's driveway would be right next to the proposed shed. Mr. Solis stated that he had and that Mr. Robert Melia and Mrs. Dana Melia from 2331 Starlight Dr. were in the audience to show their support. Mr. Calinski asked if there was anywhere on the property that would allow the shed to be erected within the zoning laws. Mr. Solis replied that he wished he could have it on the other side of the pool, but the shed would be too large. Mr. Calinski then asked if the pool was a temporary or permanent pool. Mr. Solis responded that it was permanent. Mr. Calinski asked staff if they could see anywhere else on the property that the shed would fit. Mr. Gorman replied that he and Mr. Hansen went over there about six months ago, and that there was no other location because of grading; adding that he needs to be 5ft from the property line and 10ft. from the pool. Mr. Calinski asked if it were possible if he had it 2ft from the property line. Mr. Gorman replied that he would need to

get a variance for that as well, but the problem with that is the roof of the shed would be too close to the pool. Mr. Jarvis asked which direction would the doors of the shed open. Mr. Solis replied that they would open towards the pergola. Mr. Calinski asked if the pergola was a moveable structure, and that if the shed were to be moved to that location would it still be too close to the pool. Mr. Gorman responded that it would, he had even suggested it, but it works better in the location the petitioner wanted it.

Mr. Davis then opened the matter to the floor. There being no questions or comments from the floor, the matter returned to the board. Mr. Jarvis wanted to verify that it had been stated that the neighbors had no concerns. Mr. Solis stated that was correct. Mr. Calinski questioned that the neighbor directly next to the proposed location didn't have any issues or concerns. Mr. and Mrs. Melia replied from the audience that was correct. Mr. Davis asked if there was a H.O.A. and if there had been any conversations with the other neighbors. Mr. Solis replied that he had conversations with all the neighbors and they had no negative feedback. Mr. Jarvis made a motion to approve B.Z.A. Case #24-10-13 pursuant to all State, Local, and Federal Regulations. This was seconded by Mr. Calinski and carried 3-0.

B. B.Z.A. Case #24-10-14 5622 Burr Ridge Circle – Charles & Lisa Schillaci

General Location: 5622 Burr Ridge Circle – Lot 1, Burr Ridge Subdivision, Phase 3

Petitioner(s): Charles & Lisa Schillaci

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

Purpose: To allow a 6-foot high privacy fence to extend 30-feet over the building line on a corner lot

Mr. Davis asked if Proofs of Publication were in order. Attorney Konagel replied that they were. Mr. Charles Schillaci from 5622 Burr Ridge Circle approached the podium and spoke away from the microphone, therefore was inaudible. Mr. Gorman informed the petitioner that the meeting was being recorded and to speak clearly into the microphone. Mr. Schillaci stated that he would like to have the fence go back 20 ft. from where his garage ends and have it go out as far as what would be allowed for a corner lot. Mr. Schillaci provided pictures that were displayed on the projector screen of a site line going from Burr St. to Burr Ridge Cir., which also showed his driveway as well as the neighbors' garage across the street. Mr. Hansen pulled up the most updated image from Google Earth. Mr. Schillaci said that he would like the fence to go back 40ft. from the back of the garage. Mr. Calinski asked if there were a sidewalk on the side of the street. Mr. Schillaci replied that there was not one on the Burr St. side, just on Burr Ridge Cir. Mr. Davis opened the matter to the floor.

Mr. Luis Moreno from 8681 Burr St. approached Mr. Davis and spoke quietly to only him; then was told to approach the podium and speak into the microphone. Mr. Moreno asked to see the Plat of Survey to show where the fence would be going. Mr. Hansen put the Plat of Survey on the screen. Mr. Schillaci explained again where it would be going to Mr. Moreno for several minutes which was inaudible. Mr. Gorman stated that the meeting was being recorded and to speak into the microphone. Mr. Moreno asked a question but it was inaudible. Mr. Gorman said for him to repeat himself into the microphone. Mr. Moreno asked if the proposed fence would be blocking the view of any vehicles exiting the subdivision; adding that a height of 6ft. is too high of a fence, and that he sees no other homes south of U.S. 30 with a privacy fence. Mr. Schillaci, still at the podium as well, responded but was inaudible. Mr. Gorman repeated that the meeting was being recorded and to speak into the microphone. Mr. Schillaci stated that he was trying to show where the intersection was compared to where the fence would be. Mr. Calinski asked if the fence would be going where the existing fence was currently on the side of Burr St. Mr. Schillaci replied but was inaudible. Mr. Calinski stated that he understood why they were looking for the fence to go where the garage essentially ends and how there is an eave that comes out. Mr. Calinski continued to say that there is a possibility for a driver to inch out close and be able to see traffic. Mr. Moreno questioned if the fence would go 30 ft. away from the house. Mr. Gorman said that it would actually be 40 ft. from the house to Burr.

Mr. Calinski asked staff if the Zoning Ordinance allowed 30 ft. from the building. Mr. Gorman replied that all corner lots have two building lines, one in the front and one on the side; and that typically you would run right up to your property if not on a corner lot because of the line of sight. Mr. Gorman then added that the house across the street at 5625 Burr St. had been before them last year and had been given approval of 20 ft. from the house because of the line of sight. Mr. Gorman continued to say that basically there are monument signs on both properties; he had gone out with Mr. Hansen to measure and had him come in 10 ft. from the property line along Burr St. so it would line up with the sign. Mr. Gorman stated that he understood what the homeowner was saying with the neighbor coming off the front of his house with his fence, this gentleman is coming back 20 ft. so that makes line of sight a little better, but still believed it needed to be off the property line because that subdivision is tough to get out of especially at the corner he lives on. Mr. Gorman then stated that he understood what both the petitioner's and the remonstrator's concerns are, but that is what the board did with the other case; all cases are different but this is on the same corner. Mr. Davis said that they had approved 20 ft. but that this case is for 30 ft. Mr. Gorman replied that it is 20 ft. from the house. Mr. Gorman continued that it would be different because he was starting the fence at the back of his garage, where the neighbor started the fence from the front of the house. Mr. Schillaci stated that there is 40 ft. of lawn on the property before you would get to the street. Mr. Calinski said that he was more concerned about what it would be from the house. Mr. Schillaci responded that it would be the 40 ft.; going on to say that he had been informed that he could only do 10 ft. and would need a variance to do 30 ft. to get a total of 40 ft. Mr. Calinski asked if that meant that there were two variances. Mr. Gorman replied there was not and that he was asking to go 30 ft. over the building line; but the building line is 10 ft. from the house so that is why it would be 40 ft. Mr. Gorman continued to say that the house lined up the same as the other house across the street and that was what they did with the other case. Mr. Calinski asked if they let the neighbor go 20 ft. over the building line so that would be 30 ft. from the house. Mr. Gorman replied that was correct.

Mr. Davis asked Mr. Moreno if his concern was that the fence would block the view from the people coming out of the subdivision. Mr. Moreno replied that was correct. The petitioner and the remonstrator continued to discuss the location and the placement of the stop sign and whether it would block the view. Mr. Moreno stated that once the driver would be getting close to the stop sign, they would have to move a little bit forward to see the traffic going north and south on Burr St.; and that a fence would block the view of the people leaving the subdivision. Mr. Calinski said that the challenge he saw was that the stop sign was set back considerably. Mr. Gorman stated that had come up on the previous case and it is that way because it could not be placed on the curb because the curb starts early. Mr. Jarvis asked Mr. Gorman if he had gone out to that location. Mr. Gorman replied that he had. Mr. Jarvis questioned if any vehicles stopped right at the stop sign. Mr. Gorman responded that they stopped where they could see the traffic and that they would have to. Mr. Jarvis stated that the fence would not make a difference either way. Mr. Gorman said that is what was done with the case across the street, but that this petitioner would be going back to the north 25 ft. with the fence and then going east. Mr. Gorman then said that he did not think that there would be a line of sight issue if they went 20 ft. or 30 ft. over the building line. Mr. Moreno stated that he believed it to be too close to the road. There being no further comments from the floor, the matter returned to the board. Mr. Calinski made a motion to approve B.Z.A. Case #24-10-14 with the condition that the fence be allowed to extend 25 ft. over the building line on the corner. Attorney Konagel asked the petitioner if he accepted this condition. Mr. Gorman said to Mr. Schillaci that it would then be 5 ft. from the property line, which would be 25 ft. over the building line; then verified with Mr. Calinski that was what he had proposed. Mr. Calinski said that was correct. Mr. Schillaci said that he accepted the proposal. This was seconded by Mr. Jarvis and carried 3-0.

III. COMMISSION BUSINESS:

A. Findings of Facts:

- 1) B.Z.A. Case #24-8-11 1018 W. Lincoln Hwy. (Proposed: Scooter's Coffee Drive-thru)
Petitioner(s): DVG Team, Inc. – James Hus, P.E. and Grit and Grind, LLC
Variance of Use as required by Ordinance No. 2004, Title XVI, Section 4, Paragraph C (2), ix – To allow a drive-thru lane within the U.S. 30 Commercial Corridor Overlay District
FAVORABLE RECOMMENDATION TO TOWN COUNCIL
W/ CONDITION (5-0) 8-26-24

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

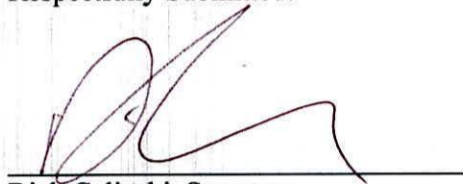
- 2) B.Z.A. Case #24-8-12 790 W. Lincoln Hwy. (Proposed: Scooter's Coffee Drive-thru)
Petitioner(s): DVG Team, Inc. – James Hus, P.E. and Grit and Grind, LLC
Variance of Use as required by Ordinance No. 2004, Title XVI, Section 4, Paragraph C
(2), ix – To allow a drive-thru lane within the U.S. 30 Commercial Corridor Overlay
District
FAVORABLE RECOMMENDATION TO TOWN COUNCIL
W/CONDITION (5-0) 8/28/24

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

IV. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:48 P.M.

Respectfully Submitted:



Rick Calinski, Secretary