

**MINUTES OF THE BOARD OF
ZONING APPEALS PUBLIC MEETING
FEBRUARY 23, 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.

B. Introduction of New Member

Chairman Michael Davis introduced new member Edward Olszewski.

C. Roll Call

Roll Call was taken with the following members present: Chairman Michael Davis, Vice-Chairman Tom Kouros, Secretary Michael O'Rourke, Mr. William Jarvis, and Mr. Edward Olszewski. Staff present: Town Manager James Gorman, Director of Operations Andrew Hansen, Planning & Building Administrator Denise Sulek, Recording Secretary Megan Schiltz, and Attorney Alfredo Estrada from Burke, Costanza, and Carberry. In the audience was Councilman Caleb Johnson.

D. Approve Minutes of the Board of Zoning Appeals Meeting of January 26, 2026

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

II. PUBLIC ACTION AND PUBLIC HEARINGS

A. B.Z.A. Case #26-2-17 5800-5830 U.S. Hwy. 30 – Webb Genesis

General Location: 5800-5830 U.S. Hwy. 30 – Clarendale of Schererville, Outlot A

Petitioner(s): Webb Automotive Group – Kelly Webb-Roberts

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

Request: Developmental Variance as required by Ordinance No. 2004, Title XVII, Section 15 Paragraph E (4)

Purpose: To allow additional site lighting and changes to the photometric plan

Mr. Davis asked if Proofs of Publication were in order. Attorney Estrada replied that they were. Attorney James L. Wieser of Wieser & Wyllie, LLP approached the podium and stated that with him were Webb Auto Group President Kelly Webb-Roberts, Vice-President Brian Webb, and Architect Eric Ohlfs from The Redmond Company. Attorney Wieser said that this matter had gone before the board for other items that had all been approved. Attorney Wieser continued that when they had previously brought in the photometric plan, there were some changes that needed to be made which then had Mr. Eric Ohlfs and Town Engineer Neil Simstad going back and forth on what was needed. Attorney Wieser added that the changes were made and approved; and subsequent to that, there were a couple other minor changes made to the photometric plan that were done "administratively in house". Attorney Wieser went on to say that once they had gotten to the point in time where they were in construction, it had become apparent that additional work would need to be done with the lighting for security and safety reasons. Attorney Wieser stated that once it was brought to the attention of staff, it was determined that these were significant changes to the photometric plan; staff then wanted us to come back before the board to discuss said changes. Attorney Wieser said that the plan provided on the projector screen identified with color coding to show the changes being made; all of which are either along U.S. Hwy 30 or on the east side of the project where the service area and the entry way for the service area is to be located. Attorney Wieser continued that they intentionally did not make any changes to the lighting that is adjacent to the senior living facility. Attorney Wieser reminded the board that there had been a lot of discussion in the past

to not disturb that facility; therefore, all of the lighting on that side would remain the same. Attorney Wieser added that along U.S. Hwy 30 there would be four additional double headlight poles as well as three new poles to go along the east property line; in addition to that, there would be eleven new fixture heads to the existing poles which would further improve the illumination on the front side of the building. Attorney Wieser went on to say that after careful consideration, it was felt that this was necessary for security and safety purposes, not only for customers or adjoining property owners, but for onsite safety. Attorney Wieser then mentioned that unfortunately theft in automobile dealerships has become a challenge and just wanted to make this dealership as safe and secure as they possible could. Attorney Wieser concluded that as far as specifics go, the team would be happy to answer any questions that the board may have.

Mr. Jarvis stated that it had been said that there would not be much change on the Clarendale side; but the plans show changing single heads to double, and then changing three additional poles with double heads. Mr. Jarvis then asked if this would be down lighting or would they be forcing light to the property itself and away from Clarendale. Mr. Ohlfs replied that they were all down lights and have full cutoff, so they are sending all the light down to the parking lot. Mr. Ohlfs went on to say that Clarendale was to the north of the property and to the east was essentially a swamp. Mr. Jarvis stated that he wanted to make sure this lighting change would not bleed over to the senior living facility. Mr. Ohlfs responded that none of the changes made would affect that north property line. Mr. Kouros asked what time the lights came on and what would be the duration. Mr. Ohlfs replied that they would be on photo eye sensors and are programmed to go off anytime they would like them to. Mr. O'Rourke asked staff what the Ordinance required to further understand what the variance was being asked for. Mr. Gorman replied that the lighting must be under a certain foot-candle, which is how lighting is measured. Mr. O'Rourke clarified that the request was to have brighter lights than what the Ordinance allowed. Mr. Gorman responded that was correct, and that there would be more lighting than what was approved by the Plan Commission. Mr. Jarvis asked if the lighting could be dimmed if any problems were to occur. Mr. Ohlfs replied that it could not be dimmed, and that it could only be on or off. Mr. Davis asked if there were any questions or course of action. Mr. Jarvis made a motion to approve B.Z.A. Case #26-2-17 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 5-0.

B. B.Z.A. Case #26-2-18 2436 U.S. 41 – The Dog Depot

General Location: 2436 U.S. 41 – Crosby's Addition, Lot 1

Petitioner(s): Kelly Turner – The Dog Depot, LLC

Request: Variance of Use as required by Ordinance No. 2004, Title XVI, Section 5, Paragraph C (3)

Purpose: To allow overnight dog boarding and dog daycare facility

Mr. Davis asked if Proofs of Publication were in order. Attorney Estrada replied that they were. Ms. Kelly Turner informed the board that along with her sister/business partner Ms. Tina Turner, they are the founders of Dog Depot & Co. and are looking to open up their first location in Schererville. Ms. Kelly Turner stated that the purpose of this proposed business was to provide proper care, love, and attention to dogs in both Schererville and the surrounding communities. Ms. Kelly Turner added that they had partnered with a local dog trainer for dog tactics training that will provide their staff with the resources that they need in order to know how to properly care for the animals. Ms. Kelly Turner went on to say that they were looking to start on a small scale considering that the location isn't the biggest, though there is room for expansion. Ms. Kelly Turner informed the board that they were looking to house on a daily operation approximately 25-30 dogs. Mr. Davis questioned the hours of operation. Ms. Kelly Turner responded that Monday – Thursday they would be open 7am to 7pm, Saturday 10am to 5pm, and would be closed to the public on Sundays. Mr. Davis asked if there were any questions or comments from the board.

Mr. Kouros asked where specifically 2436 U.S. 41 was located. Mr. O'Rourke replied that it was south of 77th Ave. Ms. Kelly Turner responded that this would be on the same side of the street as Ted's Pet & Feed Store and about two blocks south of that. Mr. Kouros then asked if the property was next to the Scherwood Apartments. Ms. Kelly Turner replied that this would be a stand-alone commercial building and that there was not any residential property within a 300' radius of that. Ms. Kelly Turner went on to say that the building sits on approximately 8 acres of land, which gives room to create an enclosed fence in the back to enable outdoor time for the dogs. Mr. Davis asked if there was currently any fencing. Ms. Kelly Turner replied

that there was not any fencing, and that is something they plan on doing. Ms. Tina Turner added that aside from the fencing that they would need to construct around the facility to give a relief and play area for the dogs, there would be renovations/modifications to the interior of the building. Ms. Tina Turner went on to say that had factored in variances for noise mitigation with policies and procedures in place so that they would not be disruptive to the surrounding businesses; for example, if a dog starts barking, there would be a procedure in place to mitigate that. Mr. Davis asked how soon the fencing would be up considering the fact that there are commercial establishments around the facility. Ms. Tina Turner responded that they were looking to open up and launch this summer, and that the internal renovations, noise mitigations, and everything else would be completed before opening. Mr. Kouros verified that the concept was that when customers go out of town they would be leaving the dogs with them. Mr. Kouros then asked if they would be grooming the dogs as well. Ms. Tina Turner replied that at the moment they would only be doing a doggie daycare and providing overnight boarding for people who needed to have their dogs boarded while they travel. Ms. Tina Turner added that they would not be doing any grooming at the moment. Ms. Turner went on to say that they would have an implementation of training because that was an area that owners are very much interested in; to train the puppies and have potential options for training the adult dogs as well. Ms. Turner stated that currently the intent is solely to be launched with just the boarding and daycare. Mr. Kouros asked if there would be someone on site that stays with the dogs overnight. Ms. Tina Turner responded that they would have people there every day; however, once the dogs get checked and logged into their rooms, the staff would leave for the day but someone would be back. Ms. Tina Turner went on to say that everything would be on a schedule in terms of feeding and taking them outside; they have systems in place where the dogs would not be left unattended for a significant amount of time. Ms. Tina Turner stated that everything would be remotely monitored and they would have remote monitors and video viewing so that dog owners would also be able to tap in and view their dogs. Ms. Tina Turner repeated that even though they would not always be on the premise, they would be watching remotely.

Mr. Davis asked for an overview of the waste removal procedure. Ms. Kelly Turner responded that they had done some research to see if there were any specific guidelines that were required by Lake County in terms of pet waste removal. Ms. Kelly Turner added that she had even spoke with the animal shelter in Schererville to see how they remove pet waste, and they remove the waste the same way as they do all other waste. Ms. Kelly Turner informed the board that there was not a specific procedure in place to remove pet waste but would still use bags to make sure everything would be sanitary. Ms. Tina Turner stated that according to the Sanitary Department, the requirement is that it is packaged separately in its own plastic receptacle. Ms. Tina Turner went on to say that they would have storage bins and containers with a secure latch, and they will have mitigations in place so that there would not be any risk of spreading any type of diseases or anything else waste related until it was removed off the premises. Mr. Kouros said that if the owner only dropped off the dog there would not be a lot of customer traffic. Ms. Tina Turner stated that was correct. Mr. Kouros shared that his concern was that this would be located so close to U.S. 41 that something might happen if a dog were to get loose. Mr. Kouros then asked if they were confident enough that adding fencing would be enough to protect them. Ms. Tina Turner replied that they were. Mr. Olszewski asked what style fence they would be use. Ms. Kelly Turner replied that they would have a vinyl 6' fence. Mr. Olszewski then confirmed that it would be a privacy fence. Mr. O'Rourke asked where the dogs would be kept and if they would be grouped together; because the picture provided did not show many suites. Ms. Kelly Turner stated that the drawing provided was just a rough draft and that they would have their own cubicles or individual suites. Ms. Kelly Turner informed the board that they did not want to be referred to as a kennel because they would not keep any of the dogs in kennels, and that each dog would have their own basic or premium suite. Ms. Kelly Turner went on to say that the premium suites would have 2-way communication between the owner and the dog so there would be Wi-Fi. Ms. Tina Turner pointed out that in the rendering there are double-deckers for the smaller dogs; so the plan shows one suite, but they would be stacked so the one suite would actually be two suites within that area. Ms. Tina Turner went on to say that they intend on having the dogs comfortable and having enough room to move around, and that they would also have beds and monitors in the suite with their favorite toy that the parents bring for them. Ms. Tina Turner said that the intent is to have the suite be cozy and make it a dog boutique experience.

Mr. O'Rourke asked if there would be dog crates. Ms. Tina Turner replied that there would not be. Mr. O'Rourke then asked what would be the size of each cubicle or suite. Ms. Kelly Turner replied that it would all depend on the size of the dog. Ms. Kelly Turner informed the board that according to the Lake County Indiana Code of Ordinance, every dog must have at least 27 sq. ft. of space. Ms. Kelly Turner said that the smallest suite that they would provide would be 40 sq. ft., and then repeated that it would all depend on the size of the dog because the bigger dogs would have more space. Ms. Kelly Turner went on to say that it was common

that families with multiple dogs would ask for a family suite, so they would have that option available as well. Mr. O'Rourke stated that he could not see how 50 dogs would be able to fit inside of the facility. Ms. Kelly Turner responded that the number of dogs would probably be more like 25-30 but had put down for 50 dogs because there may be more of the smaller dogs. Ms. Kelly Turner added that they may have 30 small dogs in one week but 20 big dogs another week, so there are a lot of variables depending on the size. Ms. Tina Turner stated that the target operating number would be 25-30 dogs, and that they put down the 50 dog option in the event that they would expand and renovate. Mr. Kouros asked if there were any facilities like this in Lake County. Ms. Kelly Turner replied that this would be their first, but there are roughly five others in the surrounding area. Mr. Kouros then asked if he could bring his dog in to groom and then come back in the afternoon to pick up. Ms. Kelly Turner replied that they were not offering grooming services in Phase I. Ms. Kelly Turner went on to say that they would dog sit; and if they were to stay a few days and need a bath, they could not give a bath, but do plan to offer that service in the future. Ms. Kelly Turner continued that they were basically providing proper care, attention, and love to the dogs while the parents are away. Mr. Kouros asked how much would it be for one dog. Ms. Kelly Turner replied that it would be \$45 for an overnight in the regular suite; and the premium suite which would have the Wi-Fi camera and the TVs would be \$80 to stay overnight. Ms. Kelly Turner added that the daycare would start at \$40 daily. Mr. Davis asked what qualifications the staff would need to sustain for overnight boarding. Ms. Kelly Turner responded that she had been in contact with Dog Trainer Chris Takacs; prior to the launch they would require training to make sure that the staff was properly trained on how to care for dogs. Ms. Kelly Turner went on to say that there would also be quarterly updates and reminders to make sure that everyone is fully trained on how to care for the dogs. Ms. Tina Turner stated that in terms of the training process, they would be training the general staff on aggressive signs or fear and anxiety signs to look for as well as how to manage day-to-day care. Ms. Tina Turner went on to say that for overnight stay, there would be someone that is qualified in training, managing, and handling dogs. Ms. Kelly Turner wanted to mention that prior to any dog being accepted into the facility, they would need to pass a temperament test; so not every dog would be accepted because they would not want an overly aggressive dog. Ms. Kelly Turner continued that there must also be proof of Bordetella, Distemper, and Rabies vaccinations to qualify for the facility. There being no further comments the matter was then opened to the floor.

Attorney Stephen E. Vander Woude from Lanting Paarlberg & Associates, LTD located at 938 W. US Hwy 30 represented Douglas Santefort of Santefort Investment Group LLC, John Kamp and Tim Boer of Kamp & Boer P.C., and Dr. Daniel DeBoer of DeBoer Chiropractic. Attorney Vander Woude stated that his clients are the owners of the property directly adjacent to the proposed site at 2433 Ontario St., and respectfully object to the requested use variance for the following reasons:

The subject property is located in the C-3 (Highway Commercial) and Route 41 Overlay Zoning Districts. Per the Town of Schererville Zoning Ordinance No. 2004, the zoning regulations for C-3 (Highway Commercial District) include the permitted uses in the C-2 (Community Commercial District). In C-2 the ordinance clearly prohibits the boarding of animals and uses that create exterior noise. For example, in C-2 the ordinance permits animal hospitals and veterinarians but excludes kennels and boarding houses; it permits jazz clubs and similar performing spaces provided no sound is perceptible outside of the building; permits schools, commercial or trade, including those teaching music, dance, business, commercial, or technical subjects provided such use does not create noise, vibration, or other objectionable influences. In the C-3 District the ordinance has similar restrictions on boarding animals and exterior noise. Banquet halls are permitted but only when the provided entertainment related sound is not perceptible outside of the building; pet shops are permitted provided that cats and dogs shall not be boarded. The Zoning Ordinance makes it clear that uses involving animal boarding and perceptible noise are not permitted. The petitioner proposes exactly what the ordinance restricts. The petitioner intends to board dogs on site and the planned use includes an outdoor dog run that is about 20' away directly adjacent to my client's professional office building where my clients have windowed offices where they meet with clients and perform their professional services. These exercised dogs are going to bark and make noise; and the barking will be perceptible beyond the building and fencing. Unlike music or entertainment, animal noise is unpredictable and cannot be reliably contained or scheduled. This is not speculation, it is an inherent feature of having animals and dogs boarded and then having them run around outside of the building. Again, my clients operate professional accounting, financial and medical offices some 20' away from the proposed use. These uses depend on a quiet atmosphere of professional decorum. Persistent barking and outdoor animal activities right outside their offices is going to be disruptive. This will adversely affect their operation of their business and will be detriment to the value of their property. Secondly, while reviewing the petition it is clear that the petition has failed to meet the statutory

standards for a use variance. 2025 Indiana Code 36-7-4-918.4 states that a use variance may only be granted where the petitioner approves all of the following: the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; the need for variances arises from some condition peculiar to the property involved and the strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought. As I have already pointed out, the property use will adversely affect my client's use of the adjacent property and the value of that property. Moreover, the petitioner has not identified any condition particular to this subject properly that prevents a permitted use under the existing zoning. No evidence at all has been presented in the petition that the permitted uses have been explored for this property and found to be impossible because of the property's conditions. In fact, no hardship has been asserted at all in the petition other than the petitioner's proposed economic use which is not permitted. This is simply an economic preference for a particular business model and Indiana Law is clear that economic preference is not an unnecessary hardship.

Attorney Vander Woude concluded that for those reasons, the petition has not met the legal standards required under Indiana to grant a use variance, and respectfully request that the petition be denied. Attorney Vander Woude said that he or any of his clients present in the audience would gladly answer any questions. Mr. O'Rourke asked if the building at 2433 Ontario St. was located directly behind the building in question. Attorney Vander Woude replied that was correct. Mr. O'Rourke asked if the building directly north of the proposed daycare was McInnis Automotive Service. Attorney Vander Woude replied that was correct. Mr. O'Rourke then asked if there were any problems with the noise from that facility. Attorney Vander Woude responded that there have not been any issues because there was no external use, all the activity in that facility takes place inside of the building. Ms. Kelly Turner stated that the front of the 2433 Ontario building faced west and the front of the 2436 US 41 building faced east. Ms. Kelly Turner went on to say that with the fronts facing different directions there would be some natural noise mitigation already. Ms. Kelly Turner added that when customers would go into the Ontario building they would not see the boarding with the entrance being from the west. Attorney Vander Woude responded to be clear, while the clients do enter from the west, the actual office meeting room where they met with clients goes along the boundary of those two lots; therefore, the windowed office spaces are on the east side of the building. Ms. Tina Turner then approached the podium and stated they respect the ordinance and the board's responsibility to enforce it, but the intent is not to operate a traditional dog kennel with outdoor runs and unmanaged noise. Ms. Tina Turner continued that The Dog Depot was actually designed as an indoor facility with sound mitigation, structure group management, and strict operational controls. Ms. Tina Turner concluded that they were committed to aligning with the ordinance and welcome guidance on the appropriate path to move forward. Mr. Davis asked if there were any more questions or comments from the floor. There being none, the matter was closed to the floor and returned to the board. Mr. Kouros stated that the placement of this facility is not appropriate and that he is concerned with the overnight accommodations. Mr. Kouros went on to say that the petitioner says "we are going to take care of it", but nothing seemed to be definitive. Mr. Kouros then concurred that this was not a professional setting, and having dogs running around was not conducive to that area. Mr. Jarvis believed that boarding would be a need but would require a better location that would not have offices around it. Mr. Jarvis added that if not for that he would be in favor of the recommendation, but at this point with the location he was not. Mr. O'Rourke stated that he had missed the fact that there were businesses right there and was glad that the remonstrators spoke up. Mr. O'Rourke continued on that he hoped they would find a different location that was more suitable for this use. Mr. Olszewski said that he concurred due to the fact the location of it was not the best. Attorney Estrada reminded the board that this was a recommendation to the Town Council and not the final vote. Mr. Davis asked if there were any comments or a motion. Mr. Kouros made an unfavorable recommendation of B.Z.A. Case #26-2-18 to the Town Council. The unfavorable recommendation was seconded by Mr. O'Rourke and carried 5-0.

III. COMMISSION BUSINESS

A. Findings of Facts:

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

Petitioner(s): Morningside LLC

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

Variance of Use as required by Ordinance No. 2004, Title VI, Section I –

To allow a multiple family dwelling consisting of sixteen (16) independent units

FAVORABLE RECOMMENDATION TO TOWN COUNCIL (3-0) 1/26/26

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

2. B.Z.A. Case #26-1-2 2601 Morningside Dr. – Morningside, LLC
Petitioner(s): Morningside LLC
Represented by: Tauber Law, Attorney Jared Tauber and DVG Team, Inc., Engineer,
James Hus, Jr.
Developmental Variance as required by Ordinance No. 2004, Title VI, Section 4,
Paragraph C (1) - Side Yards - To allow two (2) 0-foot side yards
APPROVED (3-0) 1/26/26

Mr. Jarvis made a motion to approve which was seconded by Mr. Kouros and carried 5-0.
3. B.Z.A. Case #26-1-3 2601 Morningside Dr. – Morningside, LLC
Petitioner(s): Morningside LLC
Represented by: Tauber Law, Attorney Jared Tauber and DVG Team, Inc., Engineer,
James Hus, Jr.
Developmental Variance as required by Ordinance No. 2004, Title VI, Section 4,
Paragraph E (1) Lot Coverage – To allow 35% Lot Coverage APPROVED (3-0) 1-26-26

Mr. Jarvis made a motion to approve which was seconded by Mr. Kouros and carried 5-0.
4. B.Z.A. Case #26-1-4 2601 Morningside Dr. – Morningside, LLC
Petitioner(s): Morningside LLC
Represented by: Tauber Law, Attorney Jared Tauber and DVG Team, Inc., Engineer,
James Hus, Jr.
Developmental Variance as required by Ordinance No. 2004, Title VI, Section 4,
Paragraph E (1) Lot Coverage - To remove the requirement of the 2-foot green strip along
its rear and side lot lines APPROVED (3-0) 1/26/26

Mr. Jarvis made a motion to approve which was seconded by Mr. Kouros and carried 5-0.
5. B.Z.A. Case #26-1-5 2601 Morningside Dr. – Morningside, LLC
Petitioner(s): Morningside LLC
Represented by: Tauber Law, Attorney Jared Tauber and DVG Team, Inc., Engineer,
James Hus, Jr.
Developmental Variance as required by Ordinance No. 2004, Title VI, Section 5,
Paragraph B (1) Building Size – Accessory Building – To allow two (2) accessory
buildings, 2,600 sq. ft. each. The combined sq. footage of the accessory building will
exceed the allowable size by 4,800 sq. ft. APPROVED (3-0) 1/26/26

Mr. Jarvis made a motion to approve which was seconded by Mr. Kouros and carried 5-0.
6. B.Z.A. Case #26-1-6 2601 Morningside Dr. – Morningside, LLC
Petitioner(s): Morningside LLC
Represented by: Tauber Law, Attorney Jared Tauber and DVG Team, Inc., Engineer,
James Hus, Jr.
Developmental Variance as required by Ordinance No. 2004, Title VI, Section 6 – Off
Street Parking – To allow 31- parking spaces, including garages, which is deficient with
respect to the regulation by 1-space APPROVED (3-0) 1/26/26

Mr. Jarvis made a motion to approve which was seconded by Mr. Kouros and carried 5-0.
7. B.Z.A. Case #26-1-7 2601 Morningside Dr. – Morningside, LLC
Petitioner(s): Morningside LLC
Represented by: Tauber Law, Attorney Jared Tauber and DVG Team, Inc., Engineer,
James Hus, Jr.
Developmental Variance as required by Ordinance No. 2004, Title XVII, Section 15,
Paragraph C (1) Residential Lighting Standards – To allow three (3) non-shielded and non-
cut-off light fixtures for the purpose of pedestrian illumination and safety
APPROVED (3-0) 1/26/26

Mr. Jarvis made a motion to approve which was seconded by Mr. Kouros and carried 5-0.
8. B.Z.A. Case #26-1-8 2601 Morningside Dr. – Morningside, LLC
Petitioner(s): Morningside LLC
Represented by: Tauber Law, Attorney Jared Tauber and DVG Team, Inc., Engineer,
James Hus, Jr.

Developmental Variance as required by Ordinance No. 2004, Title XVII, Section 17, Paragraph B - Dumpster/Recycling Box Regulations – To allow the dumpsters/recycling box to remain unscreened from view APPROVED W/CONDITIONS (3-0) 1/26/26

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

9. B.Z.A. Case #26-1-9 2633 Morningside Dr. – Morningside, LLC
Petitioner(s): Morningside LLC
Represented by: Tauber Law, Attorney Jared Tauber and DVG Team, Inc., Engineer, James Hus, Jr.
Variance of Use as required by Ordinance No. 2004, Title VI, Section I –
To allow a multiple family dwelling consisting of sixteen (16) independent units
FAVORABLE RECOMMENDATION TO TOWN COUNCIL (3-0) 1/26/26

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

10. B.Z.A. Case #26-1-10 2633 Morningside Dr. – Morningside, LLC
Petitioner(s): Morningside LLC
Represented by: Tauber Law, Attorney Jared Tauber and DVG Team, Inc., Engineer, James Hus, Jr.
Developmental Variance as required by Ordinance No. 2004, Title VI, Section 4, Paragraph C (1) - Side Yards - To allow two (2) 0-foot side yards
APPROVED (3-0) 1/26/26

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

11. B.Z.A. Case #26-1-11 2633 Morningside Dr. – Morningside, LLC
Petitioner(s): Morningside LLC
Represented by: Tauber Law, Attorney Jared Tauber and DVG Team, Inc., Engineer, James Hus, Jr.
Developmental Variance as required by Ordinance No. 2004, Title VI, Section 4, Paragraph E (1) – Lot Coverage – To allow 35% lot coverage APPROVED (3-0) 1/26/26

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

12. B.Z.A. Case #26-1-12 2633 Morningside Dr. – Morningside, LLC
Petitioner(s): Morningside LLC
Represented by: Tauber Law, Attorney Jared Tauber and DVG Team, Inc., Engineer, James Hus, Jr.
Developmental Variance as required by Ordinance No. 2004, Title VI, Section 4, Paragraph E (2) – Lot Coverage – To remove the requirement of the 2-foot green strip along its rear and side lot lines
APPROVED (3-0) 1/26/26

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

13. B.Z.A. Case #26-1-13 2633 Morningside Dr. – Morningside, LLC
Petitioner(s): Morningside LLC
Represented by: Tauber Law, Attorney Jared Tauber and DVG Team, Inc., Engineer, James Hus, Jr.
Developmental Variance as required by Ordinance No. 2004, Title VI, Section 5, Paragraph B (1) Building Size – Accessory Building – To allow two (2) accessory buildings, 2,050 sq. ft. each. The combined sq. footage of the accessory building will exceed the allowable size by 3,700 sq. ft.
APPROVED (3-0) 1/26/26

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

14. B.Z.A. Case #26-1-14 2633 Morningside Dr. – Morningside, LLC
Petitioner(s): Morningside LLC
Represented by: Tauber Law, Attorney Jared Tauber and DVG Team, Inc., Engineer, James Hus, Jr.
Developmental Variance as required by Ordinance No. 2004, Title VI, Section 6, Off-Street Parking – To allow 27-parking spaces, including garages, which is deficient with respect to this regulation by 5 spaces
APPROVED (3-0) 1/26/26

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

15. B.Z.A. Case #26-1-15 2633 Morningside Dr. – Morningside, LLC
Petitioner(s): Morningside LLC

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

Developmental Variance as required by Ordinance No. 2004, Title XVII, Section 15,
Paragraph C (1) – Residential Lighting Standards – To allow three (3) on-shielded and non-
cut-off light fixtures for the purpose of pedestrian illumination and safety

APPROVED (3-0) 1/26/26

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

16. B.Z.A. Case #26-1-12 2633 Morningside Dr. – Morningside, LLC

Petitioner(s): Morningside LLC

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

Developmental Variance as required by Ordinance No. 2004, Title XVII, Section 17,
Paragraph B – Dumpster/Recycling Box Regulations – To be allowed dumpsters/recycling
boxes which are not screened from view.

APPROVED (3-0) 1/26/26

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

B. Correspondence

There was no correspondence.

IV. **ADJOURNMENT**

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

Respectfully Submitted:



Michael O'Rourke, Secretary