

**BOARD OF ZONING APPEALS**  
**March 28, 2022**  
**MEETING**

**ROLL CALL**

The meeting was called to order at 7:00 p.m. and the assemblage was invited to stand and recite the Pledge of Allegiance.

**Members Present:**

Chairman Nick Nochevich, , Dick Sauerman, Daniel Rohaley

**Members Absent:** Vice Chairman Jeremy Taylor, John Marshall

**Staff Present:**

Commission Attorney Joe Irak, Executive Secretary Anthony Schlueter, Recording Secretary Jenni Pause, Media Manager Mary Freda

Chairman Nick Nochevich advised the petitioners that there are only 3 board members present and they would be allowed to defer to the next meeting if they so choose.

**APPROVAL OF MINUTES**

Chairman Nick Nochevich asked if there are any corrections, deletions, or modifications to the February 28, 2022 meeting minutes. Dick Sauerman noted a few typos on page 2 & 3. Nochevich noted the end time of the meeting was incorrect Sauerman motioned to approve minutes with corrections. Daniel Rohaley seconded the motion. With 3 Ayes, 0 Nays, and 0 Abstentions, the minutes were approved.

**OLD BUSINESS**

None

**NEW BUSINESS**

**22-04 Crown Point Community School Corporation, Petitioner/Owner**

**Request:** Variance from Development Standards

**Purpose:** Setback Encroachment

**Location:** 720 West Summit Street

Don Torrenga, Torrenga Engineering, 907 Ridge Rd., Munster, IN , came before the Board as a representative for the schools. Torrenga provided a brief overview of the petition. Torrenga stated they intend to add additions to the east and west sides of the building and in order to do that they will need to expand the parking on the east and to the south. Torrenga stated the additional parking will be closer to the roadways which will cause the encroachment. Torrenga stated the intention is to get the parking lots lined up with new roads as they are being constructed with the additions to the building.

Executive Secretary Anthony Schlueter reported on the location, proposed additions, detention ponds, bus parking, vehicle parking and stacking. Schlueter reported the parking lot shows improved lot layouts for stacking to the east and a larger bus parking lot. Schlueter reported the parking has been increased from 126 spaces to 206 spaces. Schlueter reported the parking lot will encroach approximately 8' to the east and 20' to the front along Summit St. Schlueter reported the site plan was reviewed by all city departments and reported the Planning Dept feels these improvements will allow for a safer, more controlled bus and student pick up and drop off. Schlueter recommended approval.

Rohaley asked Schlueter if this plan will require Tree Board approval. Schlueter confirmed it does. Schlueter reported they are on the agenda in April. Rohaley asked if there will be some sort of shrubs or landscaping on the east side. Torrenga confirmed. Schlueter reported there is a fence across 3 of the lots so they would only need screening for one lot. Rohaley asked if the school is a school use which would require screening according to the code. Schlueter reported he feels screening would be called for along the residential area. Torrenga stated if the screening is not included in the plan, they will add it. Rohaley asked if there will be any landscaping in front of the parking spaces along the front on Summit St. Torrenga stated he did not bring the landscaping plan. Rohaley asked Schlueter if he remembered any proposed landscaping. Schlueter stated he does not remember there being proposed landscaping in front of those spaces. Schlueter stated if they would like to be a suggestion to the Tree Board he can include that. Rohaley stated he would like to see some landscaping to soften the view from Summit St. Torrenga stated the only objection anyone would have is if the landscaping obscured the new monument sign.

Sauerman asked what the formula is for the change in parking spaces. Torrenga stated he does not know what the formula is that they used because it was decided by the school corporation in conjunction with the architects. Torrenga detailed other schools formulas which include required spaces for each student even though they are elementary students. Torrenga stated currently there is a major lack of parking at this site, and they have tried to maximize the parking spaces for the improvements.

Nochevich opened the public portion of the meeting.

Steve Schiedt, 550 Northgate, and asked if the parking lot is going any further east towards his property. Torrenga stated it is slightly closer and detailed the proposed parking lot. Schiedt asked how close it will be. Torrenga stated approximately 12' off the property line. Torrenga stated the lot will be lowered slightly so there will not be as big of a drop off as there is currently.

With no other public coming forward, Nochevich closed the public portion of the meeting.

Nochevich entertained a motion. Rohaley motioned to approve Petition #22-04 subject to Staff comments and all efforts be made to come up with a landscaping plan along the east and south of the parcel to promote as much green area as possible. Sauerman seconded the motion. With a roll call vote of 3 Ayes, 0 Nays, and 0 Abstentions Petition #22-04 was approved.

**22-05 Jenna Wheeler, Petitioner/Jenna Wheeler & Johanna Anstak, Owner**

**Request:** Special Use

**Purpose:** Residential Assisted Living Facility

**Location:** 109 & 111 North John Street

Jenna Wheeler, 14460 Grand Blvd., came before the board and provided an overview of the petition. Wheeler stated she will be the owner of the Caring Villas. Wheeler provided details about herself and her education including the master's degree in Social Work she received in 2017. Wheeler provided details of her career history which includes 9 years of working with seniors and home health care. Wheeler stated she has completed a residential assisted living course with an academy in Arizona which makes her a residential living specialist. Wheeler provided details on the services that will be provided by the Caring Villa which will include help with daily care & meds, housekeeping, laundry, exercise, meal prepping, transportation to doctor's visits, bathing, and social outings. and the qualifications for becoming a resident. Wheeler stated they will have private and semi-private rooms and they will hire home health care agencies to provide physical, occupational and speech therapy if need be. Wheeler stated their staff ratio will be 1 caregiver for every 6 residents during the day and 1 caregiver at nighttime. Wheeler stated they will provide skype sessions with family and friends of the residents. Wheeler stated there will be designated visiting hours for family and friends and monthly outings for the residents. Wheeler stated they intend to get local churches involved and the residents will be free to attend services. Wheeler stated they will be providing consulting in the community for seniors as well.

Wheeler provided details for the benefits of a residential living facility vs a big box facility which includes more freedom, more individual care, all-inclusive rates, and accommodating individual needs more.

Wheeler provided a rendering of the proposed ranch style home. Wheeler stated there will be 24-hour security cameras and codes at every access door. Wheeler reported on the proposed parking which consists of 6 spaces along with room in the driveway for an additional 3-4 cars. Wheeler stated there will be an offsite building for hosting events, holiday, and birthday parties. Wheeler stated they will not be holding Christmas or any other parties at the facility for residents and their families.

Wheeler provided a site plan for the current properties. Wheeler stated she has been the owner of 111 John St. since 2004 when she graduated from high school. Wheeler detailed the land contract she has in place with the current owner of 109 John St. Wheeler stated she knows there are current code violations at 109 John St. Wheeler stated Anstak is currently in the process of moving out of the house and removing her belongings.

Wheeler provided the board with a proposed site plan which includes the parking and gardens.

Wheeler provided details on all the goals of the Caring Villa. Wheeler provided details regarding the proposed staffing for the facility. Wheeler provided information on current big box residential facilities as well as the 3 private residential living facilities in the area.

Wheeler provided concerns and facts about residential living care facilities.

Wheeler reported they will not be taking people that have full blown dementia, they will be taking very high functioning senior.

Wheeler stated the Caring Villa will be an unlicensed residential care and provided details about the difference of licensed and unlicensed. Wheeler stated the resident swill be able to provide a lot of their own care and that is the reasons they are going unlicensed. Wheeler stated becoming licensed may become a goal in the future.

Wheeler provided details about the plan of action for the Caring Villa which will include improvements to the 109 John St. and applying for the SBA loan in October. Wheeler stated the plan is to start construction in April of 2023.

Wheeler stated that NIPSCO is relocating the light pole that is between the two properties on March 21. Schlueter reported on the location and proposed use. Schlueter reported that 109 N. John St is in deplorable condition and in the need of repairs. Schlueter reported on the relocation of the light pole. Schlueter reported on the proposed layout and design of the residential living facility. Schlueter reported on the parking. Schlueter reported the facility will provide 24-hour care for a maximum of 10 residents. Schlueter reported on the proposed staffing. Schlueter asked Wheeler to verify that there will be 10 maximum residents. Wheeler stated they have 10 bedrooms but 2 are larger to accommodate spouses so the max would be 12. Schlueter asked Wheeler to verify that the absolute max would be 12 residents. Wheeler confirmed.

Sauerman asked since they plan to be unlicensed that it will be private pay only. Wheeler confirmed. Wheeler stated she plans on working with veterans because there are programs available to them for long term care. Sauerman asked Wheeler if she will be for profit. Wheeler confirmed she will be. Sauerman asked if there will be any affiliation with Colonial Nursing Home. Wheeler stated when the time comes for a resident to go into a full care facility it will be between them and their family which facility to move to. Sauerman asked Wheeler if the other residential care facilities she mentioned are in residential areas. Wheeler confirmed they are. Sauerman asked Wheeler to verify that she has owned the property since she was 19. Wheeler confirmed.

Rohaley asked Wheeler what she plans to do for signage. Wheeler stated they have a small sign proposed at the entrance of the driveway. Rohaley asked Wheeler to verify that the level of care will be strictly assisted living. Wheeler confirmed. Rohaley asked Wheeler to verify that she will be screening and qualifying any residents. Rohaley asked what happens when they decline in health does she make the decision that they need to go on to a full care facility. Wheeler confirmed and stated she would have a family care meeting to inform the families. Wheeler stated she wants to make sure they have a plan in place for that or if someone runs out of private funds. Rohaley asked how Wheeler's price will stack up to a big box. Wheeler stated the price is similar but big box can go up to 4 levels of care which each has its own cost, her fee will be a flat base rate with no hidden fees. Rohaley asked what the average charge for a resident is. Wheeler stated average is \$4300 per month. Rohaley asked if someone is currently living in 109 N John St. Wheeler stated she has a lot of her things there, but she does not currently live there. Rohaley asked Schlueter to verify that 10 spaces are required by code. Schlueter confirmed but after speaking with Wheeler she is confident that 10 will not be required and that 6 will be sufficient. Schlueter recommended allowing for 6 spaces and if it becomes an issue have it on file as a condition that 4 more spaces must be added along the alley. Rohaley asked who would determine that need. Schlueter reported the city would if they got a complaint or anything from the neighbors. Wheeler stated the chances of having all 10-family member there at the same time are slim. Rohaley asked if they will have a van or vehicle parked on site. Wheeler stated it could be parked offsite. Rohaley stated he is all for the project. Rohaley stated he thinks the residential setting is so much nicer than a big box facility. Rohaley asked Wheeler if she will be the owner of the enterprise. Wheeler confirmed she will be.

Nochevich stated he feels the presentation was well done. Nochevich asked if there is some kind of control for the parking. Wheeler stated she thinks the long drive will help as well. Wheeler stated she knows that parking is a big concern, but she doesn't not feel there is going to be any major problems. Nochevich stated they just do not want to see anyone parking on the street.

Rohaley asked Wheeler to verify that when people are admitted into the facility they are bound by a set of rules. Wheeler confirmed. Rohaley stated that is how they can govern when people can come and how many can show up at one time. Wheeler stated they will have set visiting hours as well.

Sauerman stated there is plenty of grass space between the alley and the house and more spots could be created if needed. Wheeler stated that is where the parking is proposed.

Nochevich opened the public portion of the meeting. Jenni Pause, 809 N West ST., came before the board as a friend of Wheeler and detailed the years of work she has witnessed Wheeler put into this proposed plan which has been years in the making.

Jennifer Tozik, 267 W. 900 S., Hebron, IN, came before the Board and detailed how motivated Wheeler is and has always been. Tozik stated Wheeler has worked hard on this proposed plan.

With no other public coming forward, Nochevich closed the public portion of the meeting.

Rohaley stated the Finding of Facts and presentation were very well done. Nochevich agreed.

Nochevich entertained a motion. Sauerman motioned to send a favorable recommendation to the City Council for Petition #22-05 subject to Staff comments. Nochevich seconded the motion. Rohaley asked Sauerman if his motion included just the 6 parking spaces. Nochevich asked Sauerman to verify that his motion was for the 6 spaces to be monitored by the city for problems. Schlueter reported he would like to add a request for fencing along the driveway. Wheeler stated she would like to put a fence around the property. Rohaley stated he feels the ordinance would require a fence all the way around. Schlueter reported the ordinance calls for screening of the parking lot. Schlueter reported the fence would be required on the north side of the property. Nochevich asked if she can do the entire property. Schlueter confirmed she could but would have to do the north side to screen the parking from the residential area. Wheeler asked about putting a fence by the alley. Schlueter reported she could now but if parking spaces need to be added she will need to remove it. With no other discussion Nochevich called for a vote. With a roll call vote of 3 Ayes, 0 Nays, and 0 Abstentions Petition #22-05 received a favorable recommendation to the City Council.

Nochevich informed Wheeler she would need to be at the Chambers on April 11<sup>th</sup> at 6pm for the City Council Meeting.

**MISCELLANEOUS AND PUBLIC COMMENT**

Mary Freda read a comment online from Amanda, that stated the residential care facility is something our community really needs. Freda read another comment that stated that they think the residential care facility is a great idea.

**ADJOURNMENT**

At 8:03 pm, Nochevich entertained a motion to adjourn. Sauerman motioned to adjourn; motion was seconded by Rohaley.

**ATTESTMENT OF MEETING MINUTES.**

The above minutes were approved and adopted by majority on the \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
Nick Nochevich, Chairman

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Anthony Schlueter, Executive Secretary