

**BOARD OF ZONING APPEALS**  
**June 27, 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, Vice Chairman Jeremy Taylor, John Marshall, Dick Sauerma n, Daniel Rohaley

**Members Absent: None**

**Staff Present:**

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

**APPROVAL OF MINUTES**

Chairman Nick Nochevich asked if there are any corrections, deletions, or modifications to the May 23rd, 2022 meeting minutes. Dick Sauerma n motioned to approve minutes as presented. Nick Nochevich seconded the motion. With 5 Ayes, 0 Nays, and 0 Abstentions, the minutes were approved.

**OLD BUSINESS**

**22-07 Edward McCracken, Petitioner/Feather Rock Development, LLC, Owner**

**Request:** Variance of Use

**Purpose:** Two Hearts Homes for Seniors Assisted Living Facility

**Location:** 1600 South Feather Rock Drive

Attorney Adam Sworden came before the Board and provided an overview of the petition. Sworden introduced the owners Ed & Janel McCracken. Sworden stated the owners currently own and run a facility identical to the proposed business in Lowell, IN. Sworden provided a history of Two Heart Homes for Senior and the background of how the facility. Sworden stated Janel McCracken has been a nurse for 16 years and provided Ed's background as well. Sworden stated this business module is filling a much need niche for seniors. Sworden detailed some of the benefits/amenities of this type of proposed facility. Sworden stated this much more than just an assisted living. Sworden detailed the individuals that this type of facility caters to. Sworden detailed the benefits of a smaller residential assisted living facility home. Sworden provided the reasons why a special use variance is needed. Sworden stated this is not a convalescent home. Sworden provided the renderings for the proposed home and the proposed construction timeline. Sworden detailed the design, parking, and setbacks. Sworden stated the only variance they are seeking is the use. Sworden reported on the Finding of Facts. Sworden detailed how the facility will be screened from different directions and the surrounding properties.

Executive Secretary Anthony Schlueter reported the petitioner is proposing to construct a new multi-tenant living facility, known as Two Hearts for Seniors. Schlueter reported McCracken and his wife are the current

owner operators of the Two Hearts for Seniors facility in Lowell, Indiana. Schlueter reported the proposed facility will provide 24-hour care to a maximum of 16 residents at full occupancy and will employ up to 15 staff members with 3 per shift during the day and 2 at night. Schlueter reported the petition was deferred last month at the petitioner's request to attempt to meet with the Feather Rock Subdivision residents prior to the public meeting.

Rohaley asked the petitioner if they had the sit-down meeting with the residents from Feather Rock. Sworden stated they have been in contact with several residents but could not get Feather Rock to have a sit-down meeting. Rohaley stated he drove down to the facility in Lowell, and it is a very nice facility. Rohaley asked if this facility will have skilled care. Sworden stated it will not have skilled care. Sworden stated this is not really an assisted living facility per the business model because there are other requirements. Rohaley stated he will have more questions when it comes to site plan. Rohaley stated he feels this is a great idea and a nice transition from business to residential.

Sauerman asked if this will be a licensed facility. Sworden stated it will be a registered facility. Sauerman asked if the facility will be private pay. Sworden confirmed it will. Sauerman asked if the employees will be part of agencies or actual employees of the facility. Sworden stated they will not be using agencies. Sauerman stated he sees an issue with the parking. Schlueter stated that will be addressed at site plan.

John Marshall agreed with Rohaley. Marshall asked how many of the residents have cars. Sworden stated none of them have cars. McCracken stated so far none of the residents at their current facilities have tried to bring their cars. Marshall voiced his concern with residents being allowed to bring cars.

Taylor agreed with Board members that this seems like a good plan. Taylor stated he lives in the neighborhood and has reached out to neighbors, and everyone seems to have positive things to say. Taylor asked if they would have a vehicle to use to transport residents. McCracken stated the families arrange the transportation. Taylor asked if they plan to have walking paths. McCracken confirmed they do.

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

Nochevich entertained a motion. Daniel Rohaley motioned send a Favorable Recommendation to the City Council for Petition #22-07 subject to Staff comments. Jeremy Taylor seconded the motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #22-07 received a Favorable Recommendation.

Nochevich informed the petitioner they will need to come before the City Council for final approval on July 5th.

## **NEW BUSINESS**

### **22-10 Gus Wilson, Petitioner/Crown Point Center, LLC, Owner**

**Request:** Special Use

**Purpose:** Caliber Collision Auto Repair

**Location:** Levin Place & Superior Drive

Caleb Sondgerath, Civil Engineer for the project, 250 E. 96<sup>th</sup> St. Suite 580, Indianapolis, IN, came before the Board and provided an overview of the petition. Sondgerath detailed the proposed property and surrounding properties.

Gus Wilson, National Developer, came before the Board and detailed who Caliber Collision is and how they operate. Wilson stated Caliber is not a pull apart junkyard with wrecked cars, they are not a tire shop with

open doors and loud air guns, and they are not an oil change facility. Wilson stated Caliber is a high-quality collision repair shop dealing mostly with insurance paid automobile repairs with over 1300 shops nationwide. Wilson stated Caliber rejects totaled vehicles. Wilson stated Caliber focuses on minor repairs allowing vehicles on the lot for approximately 5-10 days. Wilson detailed the perks of Caliber Collision. Wilson stated because of their size they are scrutinized by the EPA more than others and are at the top of their game as far as environmental safety and even hire a third party to assure this. Wilson stated Caliber strives for a quick turnover. Wilson stated Caliber is a good neighbor with reasonable hours and have current facilities near big box stores and residential neighborhoods.

Schlueter reported Caliber Collision is requesting a Special Use to operate an automotive body shop in a B-3 Business District. Schlueter reported Caliber Collision has several locations within the Chicago area and NW Indiana. Schlueter reported on the location and surrounding properties. Schlueter reported the site plan shows a 12,000 sq ft building with adequate parking and two points of full Ingress and egress off Superior Drive. Schlueter reported on the hours and employees with 12 employees being on the maximum working shift. Schlueter reported all work will be conducted within the building and damaged vehicles will be parked in the rear of the site.

Taylor stated there are a significant number of parking spaces and asked on average how many vehicles will be on the lot at a town. Wilson stated the average capacity is 70-90% and the extra parking spaces are to allow space to move vehicles in and out. Ryan Hurt, 1188 Winterhaven Ln., came before the board as a Caliber Collision Repair Shop operator to answer some of the questions. Hurt stated on average a lot this size would have about 35-40 cars on it at one time. Taylor stated he sees this property backs up against some residential housing and asked what kind of screening they intend to use. Wilson stated they will be using a 6' privacy fence. Sondgerath stated there is also a substantial buffer between the property and the residential area. Sondgerath state there is a creek and detention pond. Taylor asked what the side parking lot is for. Hurt state those are for employees and customers. Taylor asked if the proposed building is brick or block. Wilson stated the building will me metal with a brick veneer. Taylor asked if there will be garage bays on both sides. Wilson confirmed there will be 4-5 on each side.

Marshall stated he has business involvement with Caliber and everything they have told them is true, they have a quick turnaround and they do not keep cars on the lot for long. Marshall stated they will even move cars to other Caliber shops if they are busy to make sure things are done quickly. Marshall stated Caliber is the cleanest repair ship he has seen. Marshall stated he feels they run a good business and would be a great addition to Crown Point. Marshall stated he feels it is proposed for the right location as well.

Sauerman asked if Caliber is a corporate store or a franchise. Hurt stated they are a corporate store. Sauerman asked how long the lease for the property will be. Hurt stated the initial lease is for 15 years. Sauerman agreed with Marshall that Caliber is a clean store, and that the location is appropriate.

Rohaley asked the petitioner if they investigated property in Industrial zoning which would allow for this without a special use. Wilson stated they have not. Wilson stated they felt it would be easier to go for a special use rather than a full rezone.

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

Nochevich entertained a motion. Marshall motioned to send a Favorable Recommendation to the City Council

for Petition #22-10 with Staff comments. Dick Sauerman seconded the motion. Taylor asked if the recommendation could be subject to screening. Attorney Irak asked Schlueter to verify that the ordinance requires screening. Schlueter confirmed it is required. Taylor voiced his concern with holding petitioners to higher standards on Broadway. Marshall stated he felt that would be addressed at site plan since it is required by ordinance. With a roll call vote of 3 Ayes, 2 Nays, and 0 Abstentions Petition #22-10 received a Favorable Recommendation.

Nochevich informed the petitioner they will need to come before the City Council for final approval on July 5.

**22-11 Texas Roadhouse, Petitioner/I-65 Properties & I65 Beacon Hill Partners, Owner**

**Request:** Variance from Development Standards

**Purpose:** On building signage to exceed maximum square footage (Texas Roadhouse)

**Location:** 905 E. 109<sup>th</sup> Avenue

Jeff Ban, of DVG, 1155 Troutwine, came before the Board and provided an overview of the petition. Ban detailed the location, surrounding developments, Buckeye pipeline and road improvements in the area. Ban stated hotels and restaurants go really well together and they have worked on this plan to make sure the sites work together, and the driveways align exactly.

Emily Bernahl, of Bernahl Development Services, Consultant for Texas Roadhouse, 1165 W. Deer Path, Lake Forest, IL, came before the Board and detailed the proposed site plan and the building orientation. Bernahl explained to the Board the need for the variance. Bernahl explained how Texas Roadhouse is different and how important it is for them to become a partner with the community. Bernahl stated since the petitioner cannot have a larger highway sign it is important, they have the on building signage to direct their customers.

Schlueter reported Texas Roadhouse is requesting a Variance from Development Standards to allow on building signage to exceed the maximum area of 100 sf., in a B-3 Business District. Schlueter reported the petitioner is requesting to allow on building signage totaling 281.1 sf on a building just over 8,000 sqft., surrounded by a large parking lot with adequate parking. Schlueter reported the area for signage for the new restaurant is typical for a Texas Roadhouse restaurant found around the country. Schlueter reported this area has many large commercial buildings requiring additional signage. Schlueter reported the Planning Department recommends approval of the petition. Schlueter reported no letters of remonstrations or support have been received by the Planning Department and all notices have been properly sent out by Certified Mail and the notice has been published in the newspaper.

Rohaley asked Bernahl to verify that "H" was the proposed location for the monument sign. Bernahl confirmed. Rohaley stated he feels the sign would be more effective on the west side. Rohaley stated he feels this is more of a corporate branding. Rohaley stated he has no issues with the signs.

Sauerman asked Irak if the variance goes with Texas Roadhouse and not the building. Irak stated they could make that a condition of the approval.

Marshall stated he does not see any issues.

Taylor asked Schlueter what the ordinance allows for the monument sign. Schlueter reported 20' in height.

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

Nochevich entertained a motion. Rohaley motioned to approve Petition #22-11 for this petitioner and at this location only subject to Staff comments. Taylor seconded the amended motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #22-11 was approved.

**22-12 Good Hospitality Services, Inc., Petitioner/I65 Properties, LLC, Owner**

**Request:** Variance from Development Standards

**Purpose:** Marriot Towne Place Suites Hotel- Exceed max building height

**Location:** SWC of I65 & 109<sup>th</sup> Avenue

Jeff Ban, of DVG, 1155 Troutwine, came before the Board and provided an overview of the petition. Ban detailed the proposed site plan and design of the hotel. Ban reported on the Finding of Facts.

Schlueter reported on the hours, number of employees and parking. Schlueter reported the petitioner is requesting a Variance from Development Standards to exceed the 35' max height allowance for a Marriot Towne Place Suites Hotel in a B-3 Business District. Schlueter reported the proposed hotel will be a four-story building. Schlueter reported the building will extend the building height of 50' and will exceed the 35 ft max height allowance for a principal structure by 15 ft. Schlueter reported by comparison the Hampton Inn hotel just North of 109th Avenue is 57 ft and the petitioner is requesting a variance not to exceed 52' in height. Schlueter reported the Planning Department feels the area is conducive to multiple story buildings and complexes that may exceed code height restrictions and recommends approval of the petition.

Taylor recommended making the site plan as pedestrian friendly as possible.

Marshall stated as a precedence they allowed the Hampton four stories and does not see any issues with allowing this petitioner the same.

Rohaley asked what the ski slope structure at the top of the building is for. Ban stated it is just part of the architecture of the building. Ban stated it is part of the Marriot branding.

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

Nochevich entertained a motion. Taylor motioned to approve Petition #22-12. Rohaley seconded the motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #22-12 was approved.

**22-13 I65 Properties, LLC & I65 Beacon Hill Partners, LLC., Petitioner/Owner**

**Request:** Variance from Development Standards

**Purpose:** Encroach landscape buffer

**Location:** SWC of I65 & 109<sup>th</sup> Avenue

Jeff Ban, of DVG, 1155 Troutwine, came before the Board and provided an overview of the petition. Ban stated this is the second variance needed for the hotel. Ban detailed the hardships that posed problems in designing this site. Ban stated the Buckeye pipeline does not allow the occupation of stuff on top of their pipeline. Ban detailed the new proposed site plan. Ban reported on the Finding of Facts.

Schlueter reported the petitioner is requesting a Variance from Development Standards to allow parking lot to encroach the 100' I-65 landscape buffer zone, in a B-3 Business District. Schlueter reported this layout appeared as a workshop at the PC showing 17 parking stalls located within the landscape buffer and based on PC comments a revised plan has been submitted removing the 17 spaces, leaving only the trash enclosure and storage bin encroaching by 47'. Schlueter reported the petitioner is requesting to allow the Southeast corner of the parking lot to encroach the landscape buffer by 47'. Schlueter reported no letters of remonstrance or support have been received by the Planning Department and all notices have been properly sent out by Certified Mail and the notice has been published in the newspaper.

Rohaley commended Ban on a great job. Rohaley stated he feels they have a real balance with this site.

Sauerman asked if the original configuration had 114 rooms as well. Ban stated he believes it was 112. Sauerman asked if this is a cookie cutter. Ban stated this is not a prototype. Sauerman asked how many rooms the typical Marriot Town Place has. Ban stated they are site specific but probably do not exceed 200 rooms. Sauerman stated they should check their number of parking spaces. Sauerman asked how many spaces they have. Ban stated there are 122 and ordinance only requires 119. Ban stated they will also be able to use Texas Roadhouse parking lot. Sauerman stated he is not crazy about the buffer encroachment.

Marshall stated he feels they have done a great job with the site plan.

Taylor stated he feels they have done a great job with the challenges the property imposes.

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

Rohaley asked if the drainage easement will be a wet pond. Ban confirmed. Rohaley asked if they will be installing a fountain. Ban stated they will do their best to install a fountain.

Nochevich entertained a motion. Taylor motioned to approve Petition #22-13 with Staff comments. Rohaley seconded the motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #22-13 was approved.

**22-14 I65 Properties, LLC & I65 Beacon Hill Partners, LLC., Petitioner/Owner**

**Request:** Variance from Development Standards

**Purpose:** 109th Place Right of way reduction

**Location:** South 109<sup>th</sup> Avenue between I65 & Delaware Parkway

Jeff Ban, of DVG, 1155 Troutwine, came before the Board and provided an overview of the petition. Ban stated the petitioner dedicated extra right of way for the 109<sup>th</sup> improvements. Ban detailed the one point of access and challenges of the site. Ban reported on the Finding of Facts

Schlueter reported the petitioner is requesting a Variance from Development Standards to reduce the right of way along 109<sup>th</sup> Pl from 60ft to 50ft, in a B-3 Business District. Schlueter reported the future 109<sup>th</sup> Place will meet with minimum requirements for a standard city street and the sidewalk for this subdivision will be located along the South side of 109<sup>th</sup> Avenue. Schlueter reported the Planning Department recommends approval of the petition. Schlueter reported no letters of remonstrance or support have been received by the Planning Department and all notices have been properly sent out by Certified Mail and the notice has been published in the newspaper.

Taylor asked if there will be a sidewalk along 109<sup>th</sup> Pl. Schlueter stated all the sidewalks will be along the north side. Ban stated the sidewalk is more than a bike path it will be 10' wide and part of the bike path. Taylor asked if there will be access from the hotel and Texas Roadhouse. Ban confirmed there will be. Ban detailed the proposed bike path and connectivity.

Marshall asked for verification for the widths of the roadways and bike paths. Ban detailed the proposed roadways, drives and bike paths. Marshall asked for verification that the 14' is enough to get all the city utilities in. Ban confirmed.

Rohaley asked Ban if the Fire Dept. has signed off on the cul-de-sac and the narrow street. Ban stated they are working on getting them approved. Rohaley asked if the hard pavement will be 36' wide. Ban confirmed. Rohaley asked if the right of way will be 50'. Ban confirmed.

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

Nochevich entertained a motion. Rohaley motioned to approve Petition #22-14 with Staff comments and subject to Fire Dept. approval of the narrow street and cul-de-sac. Marshall seconded the motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #22-14 was approved.

**22-15 I65 Properties, LLC & I65 Beacon Hill Partners, LLC., Petitioner/Owner**

**Request:** Variance from Development Standards

**Purpose:** Front setback reduction to 5 ft along 109<sup>th</sup> Place

**Location:** South 109<sup>th</sup> Avenue between I65 & Delaware Parkway

Jeff Ban, of DVG, 1155 Troutwine, came before the Board and provided an overview of the petition. Ban stated they are not asking to change anything along Delaware Pkwy or 109<sup>th</sup> Avenue. Ban stated they are restricted because of the double frontage lot. Ban stated they are only asking for the setback to apply to driveways and parking lot not the buildings. Ban reported on the Finding of Facts.

Schlueter reported the petitioner is requesting a Variance from Development Standards to reduce the setback for all lots along 109<sup>th</sup> Place from 35 ft to 5ft, in a B-3 Business District. Schlueter reported the reduced setback would not include the principal structures, the setback for the principal structure would remain at 35'. Schlueter reported the Planning Department recommends approval of the petition. Schlueter reported no letters of remonstrance or support have been received by the Planning Department and all notices have been properly sent out by Certified Mail and the notice has been published in the newspaper.

Rohaley and Sauerman stated they have no questions.

Marshall asked Ban to verify that they are looking for a 5' setback for all the lots from McDonalds to the cul-de-sac. Ban confirmed. Marshall asked Ban to verify that this is for parking lots and driveways only. Ban confirmed.

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

Nochevich entertained a motion. Rohaley motioned to approve Petition #22-15 limited to parking lots and

driveways. Taylor seconded the motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #22-15 was approved.

**22-16 I65 Properties, LLC & I65 Beacon Hill Partners, LLC., Petitioner/Owner**

**Request:** Variance from Development Standards

**Purpose:** Front setback reduction to 10 ft along 109<sup>th</sup> Avenue

**Location:** SWC of I65 & 109<sup>th</sup> Avenue

Jeff Ban, of DVG, 1155 Troutwine, came before the Board and provided an overview of the petition. Ban detailed the area they are requesting the setback reduction for. Ban stated INDOT took some of the property for the improvements for the interchange on 109<sup>th</sup>. Ban stated they are trying to create safe access for the cross access for the lots. Ban reported on the Finding of Facts.

Schlueter reported the petitioner is requesting a Variance from Development Standards to reduce the setback distance along 109<sup>th</sup> Avenue from 35 ft to 10ft, in a B-3 Business District. Schlueter reported 109<sup>th</sup> Avenue traffic and safety improvement project has recently been completed with 109<sup>th</sup> widened and fully improved with adequate turn lanes for improved traffic flow and safety. Schlueter reported additional right of way will not be required in the future. Schlueter reported the Planning Department recommends approval of the petition. Schlueter reported no letters of remonstrations or support have been received by the Planning Department and all notices have been properly sent out by Certified Mail and the notice has been published in the newspaper.

Marshall asked Ban to verify that the setback will be for Texas Roadhouse and whatever goes in next to Texas Roadhouse on 109<sup>th</sup> Ave. Ban confirmed. Marshall asked if it will be one or two lots. Ban stated they are not sure but most likely two lots.

Sauerman asked Ban to verify that this will be one lot. Ban stated they are platting it for one lot but will depend on the buyer and may have to go through a replat.

Rohaley asked how they will define the 10'. Ban stated they will have to put it on the plat. Rohaley asked Ban to depict the area they are approving. Ban stated as a matter of record he would describe it as the area where INDOT took property, from the frontage along the INDOT taking the setback shall be no less than 10' but shall match the property from the east of the INDOT taking to the west of the taking.

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

Nochevich entertained a motion. Rohaley motioned to approve Petition #22-16 limited to parking lots, driveways and way finding signs as presented on replatted site plan and Staff comments. Sauerman seconded the motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #22-16 was approved.

**22-17 I65 Properties, LLC & I65 Beacon Hill Partners, LLC., Petitioner/Owner**

**Request:** Variance from Development Standards

**Purpose:** Allow a max building height of 65' in the Point 65 Business Park

**Location:** Southeast of I65 & State Road 231



Jeff Ban, of DVG, 1155 Troutwine, came before the Board and provided an overview of the petition. Ban detailed the property and surrounding properties. Ban detailed the history of this property and previous approvals. Ban detailed the proposed development for the property and the timeline. Ban recommended the ordinance be amended to allow for these types of buildings because the allowed 35' is not realistic. Ban detailed they came up with the 65'. Ban reported on the Finding of Facts.

TJ O'Brien came before the Board and explained why they require the variance. O'Brien explained why market readiness is key especially in this area. Ban stated they are not proposing to build every building at 65'.

Schlueter reported the petitioner is requesting a Variance from Development Standards to permit a maximum building height of 65' where 35' is permitted, within the Point 65 business park proposed for this property. Schlueter reported all buildings proposed within the Point 65 business park will be large e-commerce type buildings requiring large open-air workspaces with multiple loading bays and they are requesting to increase the allowed building height. Schlueter reported the Planning Department recommends approval of the petition. Schlueter reported no letters of remonstrance or support have been received by the Planning Department and all notices have been properly sent out by Certified Mail and the notice has been published in the newspaper.

Rohaley asked the petitioner to verify that 40' is the average for the building height. O'Brien stated on the low end the average is 40'. Rohaley asked the petitioner to verify they are requesting the 65' just to be ready in the 65 Point business park. Ban confirmed.

Sauerman stated he has been trying to figure out where the ordinance for the 35' height restriction comes from because it does not make any sense. Sauerman stated he understands why the petitioner is requesting the variance. Sauerman stated he has no issues with this.

Marshall stated he thinks 65' is a common height for these types of buildings and does not have any issues.

Taylor asked what the height of the hospital is. Ban stated 140' was the approved building height. Taylor stated he has no issues with the 65'.

Nochevich opened the public portion of the meeting.

John Koon, 13251 Iowa St., came before the Board and voiced his concern with a 65' building right across from his house or any residential house with the lights and security lights that could possibly shine into his property.

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

Ban stated from a site development perspective they want to be good neighbors. Ban stated they do not plan to put these buildings right up against the setback lines. Ban stated there should be a large area between the residential area and the actual buildings and they can look into some screening. Ban stated he feels the Planning Commission will require the screening and all that will work out in site plan approval. Ban reiterated that they want to be good neighbors.

Nochevich entertained a motion. Rohaley motioned to approve Petition #22-17 to allow building height not to exceed 65' in the Point 65 Business Park as legally described in the petition. Nochevich seconded the motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #22-17 was approved.

**22-18 City Center Properties, Trust #2014, Petitioner/Owner**

**Request:** Variance from Development Standards  
**Purpose:** Permit lots without adjacent public right of ways  
**Location:** 11200 Adams Street

Jeff Ban, of DVG, 1155 Troutwine, came before the Board and provided an overview of the petition. Ban stated the plan was originally approved for 9 buildings. Ban detailed the buildings that have been constructed and/or partially constructed. Ban stated he is not sure of the exact history of the property. Ban stated this property is currently under one tax key. Ban stated when this property was originally done it should have been done as a subdivision and they are now trying to clean up the property to make it marketable. Ban stated they are just asking for the Board's administrative assistance to parcel this property out. Ban stated they intend to create legal lots minus being adjacent to public right of ways. Ban stated there are no legal right of ways in the middle of this property. Ban stated the roads are not publicly dedicated and are not owned or maintained by the city. Ban stated they will have the proper covenants and cross access easements required one they replat this property. Ban detailed the plans for making the site work. Ban reported on the Finding of Facts.

Schlueter reported on the history known for the property. Schlueter reported the petitioner is requesting a Variance from Development Standards to allow lots without frontage to a dedicated public or private street, in a B-3 Business District, if approved the petitioner plans to subdivide the property into multiple separate lots. Schlueter reported all lots will have a reciprocal agreement for access and maintenance to the parking lot and stormwater detention and all points of ingress and egress will remain the same. Schlueter reported the Planning Department recommends approval of the petition. Schlueter reported no letters of remonstrance or support have been received by the Planning Department and all notices have been properly sent out by Certified Mail and the notice has been published in the newspaper.

Marshall stated he was on Plan Commission when this was approved. Marshall stated he remembers Paul Bremer having all kinds of problems with this property, and he is not sure how it did not get recorded.

Sauerman asked Ban if the legal description meets and bounds for this property. Ban stated as far they can tell. Ban discussed what records they have found. Sauerman stated this is a mess and something needs to be done and developing a subdivision makes sense. Sauerman stated this is an eyesore.

Rohaley stated he did a search and there is nothing on record other than what Ban submitted, nothing was recorded. Rohaley stated this property needs help. Rohaley thought this development was intended to have businesses on the bottom and residential units on the top. Rohaley agreed this is a mess.

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

Nochevich entertained a motion. Rohaley motioned to approve Petition #22-18 as presented on the condition that the property gets subdivided. Sauerman seconded the motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #22-18 was approved.

**22-19 Crown Point Community School Corporation, Petitioner/Owner**

**Request:** Variance from Development Standards  
**Purpose:** Setback encroachment  
**Location:** 401 West Joliet Street

Scott Rogers, 1506 West Park Rd., Valparaiso, IN, came before the Board and provided an overview of the petition. Rogers stated the encroachment would be on Walnut St and would be for the parking lot.

Schlueter reported the Crown Point Community School Corporation is requesting a variance from development standards to encroach the setbacks with the parking lot, for improvements and additions to Wheeler Middle School including a new auditorium and additional car and bus parking. Schlueter reported the site plan for the improvements was approved by the Planning Commission at their June meeting and the approval was subject to a BZA variance for setback encroachment with the South parking lots along Walnut Street. Schlueter reported the Planning Department recommends approval of the petition.

Rohaley stated he feels this is a minor encroachment and he has no issues with it.

Sauerman and Marshall agreed with Rohaley.

Taylor had no questions.

Nochevich opened the public portion of the meeting.

Nochevich read a letter from Matt Underwood, 166 Harrington Ave., voicing his concerns with stormwater runoff and flooding. Underwood stated heavy rains are not considered when the school adds on building or parking lots. Underwood also voiced his concern with the noise that the mechanicals and machinery create and recommended a sound structure or screening. Underwood complained about the roads being blocked twice a day and the affect more building would have on traffic issues.

Underwood came before the Board and voiced his concerns with no provisions for retention ponds and flooding due to the continued construction of buildings and parking lots

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

Schlueter reported on the new stormwater detention plan. Schlueter reported the new parking lot was designed to remove the cars and busses from the roadways and allow more space for stacking on the school's property, so they do not block traffic.

Sauerman asked Schlueter if a new retention pond was being installed. Schlueter confirmed along the west side of the property. Sauerman asked if calculations were done for the volume. Schlueter reported it went through the city's engineering department and consultant and will meet code. Sauerman asked if this new stormwater plan will resolve the current flood problems mentioned by Underwood. Schlueter reported it will. Sauerman asked if this was discussed at site plan. Marshall confirmed it was and offered a copy of the site plan.

Nochevich asked Schlueter to verify that the flooding problem has been rectified with the new site plan. Schlueter confirmed.

Francis Ramus, 329 W. Walnut St., came before the Board and asked if the site plan can be sent to him. Schlueter stated he would get in contact with him and provide him with a copy. Sauerman asked for clarification that the retention pond on the plan has been built or will be built. Rogers stated it will be built but has not been yet. Schlueter stated it has been taken care of.

Nochevich entertained a motion. Taylor motioned to approve Petition #22-19 subject to Staff Comments. Sauerman stated he feels they need to add that the approval is subject to the addition of the new retention pond. Schlueter stated that was taken care at site plan with the Plan Commission approval. Marshall seconded the motion. Sauerman asked what the harm in being redundant is. Taylor amended his motion to include

subject to the installation of the pond. Marshall withdrew his second because that is not a BZA matter. Sauerman seconded the motion. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #22-19 was approved.

**22-20 Crown Point Community School Corporation, Petitioner/Owner**

**Request:** Variance from Development Standards

**Purpose:** Building Height

**Location:** 1050 South Main Street

Matt Mihalik, 2421 173<sup>rd</sup> St. Hammond, IN, came before the Board and provided an overview of the petition. Mihalik stated the plan includes demolishing a portion of the current Taft building as well as some of the parking lot and in its place will be a new Administration building. Mihalik stated the remainder of the building would continue to be used by the school corporation.

Schlueter reported the petitioner is requesting a Variance from Development Standards to exceed the maximum building height, in a R-1 Residential District and they are proposing to demolish the Southern portion of the existing building making way for the new administration offices. Schlueter reported the Eastern portion of the building to remain for alternate education classrooms. Schlueter reported the new administration building will reach a height of 41' at its peak. They are requesting a variance to exceed the 35' building height maximum by 6". Schlueter reported the Planning Department recommends approval of the petition. Schlueter reported no letters of remonstrance or support have been received by the Planning Department. All notices have been properly sent out by Certified Mail and the notice has been published in the newspaper.

None of the Board members had any questions.

Nochevich opened the public portion of the meeting.

Marylou Gerard, 913 S. East St., came before the Board and asked for clarification of where the building line of the new building is on East St. Mihalik detailed the area and the location of the new building. Gerard asked if the new building will be closer to the road. Mihalik stated it will not be any closer.

Bill Kryspin, 215 W. Greenwood Ave., voiced his concerns with additional water issues and safety issues for the kids that play in the green space in the area they are speaking of because of the additional building.

Gerard stated there are teams that play in the green space and voiced her concern with the reduction of the green space.

Mihalik stated in terms of the green space they do not intend to touch them. Mihalik stated they will not be removing any play areas for children.

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

Nochevich entertained a motion. Taylor motioned to approve Petition #22-20 subject to Staff Comments. Marshall seconded the motion. Schlueter stated they may want to consider having public meetings for site plans because a lot of the questions and concerns would have been answered at the site plan approvals. Taylor stated that is on the Plan Commission side of things. Taylor stated typically it comes before the BZA first and then goes to site plan. Schlueter confirmed and explained why these were taken out of order as far as

procedure is considered. With a roll call vote of 5 Ayes, 0 Nays, and 0 Abstentions Petition #22-20 was approved.

**MISCELLANEOUS AND PUBLIC COMMENT**

No Public

No Misc.

**ADJOURNMENT**

At 10:11 pm, Nochevich entertained a motion to adjourn. Nochevich motioned to adjourn; motion was seconded by Marshall

**ATTESTMENT OF MEETING MINUTES.**

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

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

\_\_\_\_\_  
Anthony Schlueter, Executive Secretary