

**MERRILLVILLE BOARD OF ZONING APPEALS MINUTES
WEDNESDAY, SEPTEMBER 27, 2023
6:30 PM**

Board of Zoning Appeals Chairman Ric Holtz led the Meeting of the Merrillville Board of Zoning Appeals at 6:30 PM to order at the Merrillville Municipal Complex, 7820 Broadway and then led the group in the Pledge of Allegiance.

ROLL CALL:

Members in attendance were Mr. Andrew Sylwestrowicz, Mr. William Byers, Mr. Pete Guip, Vice Chairman Tim Fortier, and Chairman Ric Holtz. A quorum was established. Staff in attendance were Building Director Sheila Shine, Attorney Joseph Svetanoff, and Town Engineer Steve King.

MINUTES: AUGUST 23, 2023

Mr. Andrew Sylwestrowicz made a motion to approve the minutes. The motion was seconded by Mr. William Byers and the Board voted unanimously 5 -0 to approve the minutes.

COMMUNICATIONS:

None

COMMENTS FROM CHAIRMAN

Chairman Ric Holtz stated I will call each case by the case number, and if you have someone desirous to speak for a petition please state your name and address, and please sign in on the registry in the center aisle. Public comments will be limited to three minutes. The Board will either vote for, against or for a deferral which we will state the reason. Please turn off any electronic devices that you may have with you.

OLD BUSINESS

NEW BUSINESS

1. Z20Uv4-0923 JUSTIN HANUSCIN PETITIONER AND PEACH TREE PARTNERS, LLC OWNER

Located at 2200 West 79th Place

Request: Variance of Use Approval from Section 21-136 in a C-3, Highway Commercial Zoning District on 2.88 Acres

Purpose: To Allow a Storage Facility and Business Office

Attorney Michael Kvachkoff represented the petitioner and presented the petition before the Borad of Zoning Appeals.

Attorney Joseph Svetanoff asked the petitioner how does the condition of the property in this case refer to the use variance.

Attorney Michael Kvachkoff stated that it is because of the current zoning of the proposed site and that his client is seeking approval for the storage facility.

Attorney Joseph Svetanoff asked Attorney Michael Kvachkoff to go thru the two criteria that were missed.

Attorney Michael Kvachkoff stated that the argument is that there is no actual ability to build the storage unit without a use variance.

Chairman Ric Hotlz inquired about the lots and the adjacent properties.

Vice Chairman Tim Fortier inquired if the facility would have twenty-four- hour access.

The petitioner stated that the office would not be open twenty- four hours a day, but the storage units would be accessible for twenty four hours a day with a key pad entry system.

There was a discussion about the proposed layout of the proposed site.

There was a discussion about renderings, a site plan of the property, and also will emergency vehicles be able to turn around this property.

Attorney Michael Kvachkoff stated that the petitioner would be willing to provide any necessary information to the Board.

Vice Chairman Tim Fortier inquired about the petition.

Building Director Sheila Shine stated that the Board of Zoning Appeals should vet the petition before the petition is presented to the Town Council. She continued that this a commercial building in a C-3 Zoning and requirements for buildings in this zoning should have a brick facade.

Attorney Joseph Svetanoff told the petitioner that renderings and a site plan will be needed for the Board.

Building Director Sheila Shine explained why the petitioner is petitioning for a use variance instead of a Planned Unit Development petition, or a Variance of Development petition.

The petitioner stated that the he can submit new renderings if that is what is being requested.

Vice Chairman Tim Fortier made a motion to defer this petition for thirty days. The motion was seconded. The Board voted unanimously 5- 0 to defer this petition for thirty days.

2. **Z21Uv5-0923** **TOWN OF MERRILLVILLE PETITIONER & OWNER**

Located at 13 West 73rd Avenue

Request: Variance of Use Approval from Section 21-189(8)

On 5.584 Acres in a C-2, Community Commercial Zoning District

Purpose: To Allow a LED Electronic Message Sign

Street Department Director Steve King presented his case before the Board of Zoning Appeals requesting an electronic message center. He continued that the sign can be dimmed at night or turn off the top of the sign at night, or turn off the whole sign at night.

Building Director Sheila Shine read the Staff Report.

Mr. Steve King stated that street closures, weather updates, and Town Event information will be on the sign to alert the public.

There was a discussion of where the proposed sign will be on the property.

Mr. Andrew Sylwestrowicz inquired what are the number of lumens in the sign and Mr. Steve King stated that there are 6500k lumens in the sign.

Keith Lynn Nash of 8 West 73rd Avenue was concerned about the brightness of the sign at night.

Mr. Steve King stated that the sign could be set on a timer which would automatically turn on and turn off at certain times of the day and of the evening.

Cynthia Fuqua who owns the home at 21 West 73rd Avenue, inquired about the location of the proposed sign.

There was a discussion that the proposed sign will be a wireless sign, but will have an electronic service.

Sheila Shine stated that the Board will place a condition on the petition if approved.

Vice Chairman Tim Fortier made a motion to approve this petition with the condition that the sign will be dimmed or turned off after 9:00p.m. with hours of 6:00a.m. to 9:00p.m. Mr. Pete Guip seconded the motion. The Board voted unanimously 5 – 0 to approve this petition.

3. **Z22V4-0923** **JEFFERY PARENTI PETITIONER & OWNER**

Located at 2607 West Lincoln Highway
Request: Variance of Development Standards from Section 21-5(a)
 On 1.784 Acres in a C-3, Highway Commercial Zoning District
Purpose: To Allow an Accessory Building on a Commercial Parcel

Mr. Jeffery Parenti presented his petition before the Board of Zoning Appeals and stated that the frontage of the building will have a thirty percent brick facade, the walls will have a total height of sixteen feet, there will be cameras on the site, and there is a fire suppression system on the site. He continued that the fireworks are a 1.4G which is a consumer grade firework, and that the nearest residential home is about eighty feet to one hundred feet away.

Sheila Shine stated that this petition was discussed with the State Fire Marshall and with the Merrillville Fire Inspector which stated that he can't have the containers to store the fireworks, she continued that if the Board approves this petition, the plans for this building will be reviewed by the consulting engineers.

Mr. Pete Guip made a motion to approve this petition. The motion was seconded by Vice Chairman Tim Fortier. Mr. Andrew Sylwestrowicz abstained, Mr. Willima Byers voted against this petition, and Mr. Pete Guip, Vice Chairman Tim Fortier, and Chairman Ric Holtz voted to approve this petition.

OTHER BUSINESS

None

ADJOURNMENT

Mr. Pete Guip made a motion to adjourn the meeting. The motion was seconded. There was a unanimous vote of 5 – 0 to adjourn the meeting. The meeting was adjourned at approximately 7:30p.m.

Marie Wilson,
Recording Secretary