

**MERRILLVILLE BOARD OF ZONING APPEALS MINUTES  
WEDNESDAY, OCTOBER 25, 2023  
6:30 PM**

Chairman Ric Holtz led the Meeting of the Merrillville Board of Zoning Appeals at 6:30 P.M. O'clock 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. Pete Guip, Vice Chairman Tim Fortier, and Chairman Ric Holtz. A quorum was established.

Staff in attendance were Building Director Sheila Shine, and Attorney Ricardo Aguirre.

**MINUTES: SEPTEMBER 27, 2023**

Vice Chairman Tim Fortier made a motion to approve the minutes and the motion was seconded by Mr. Pete Guip. There was a unanimous vote of 3 – 0 to approve the minutes.

**COMMUNICATIONS:**

Sheila Shine stated that there are three letters that will be read during the related petition.

**COMMENTS FROM CHAIRMAN**

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

**OLD BUSINESS**

**1. Z20Uv4-0923     JUSTIN HANUSCIN PETITIONER & PEACH TREE PARTNERS LLC OWNER**

Located at 2200 West 79<sup>th</sup> 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 stated that renderings were submitted to the Board members. He stated that the number of units are the same, just the location of the doors has changed to face inward rather than outwards.

Building Director Sheila Shine read the Staff Report.

There was a discussion about the location of the doors on the buildings.

The petitioner stated that the middle buildings will have access on both sides, and that there will be 152 units on site, and an office on site.

There was no public comment.

Vice Chairman Tim Fortier made a motion to approve this petition. Mr. Pete Guip seconded the motion.

The Board voted unanimously by a voice vote of 3 – 0 to approve this petition.

**NEW BUSINESS**

**2. Z23Uv6-1023    TIFFANY BLAKEMORE PETITONER & LBD PROPERTIES LLC OWNER**

Located at 6110 Broadway, Unit 5  
Request: Variance of Use Approval from Section 21-137  
On 20.606 Acres in a M-2, Limited Industrial Corridor Overlay District  
Purpose: To Allow a Fitness and Cycling Center

Ms. Tiffany Blakemore came before the Board to present her case and stated that the fitness center will be in Unit 5. She continued that there will be a boot camp class in in the facility too, and there will be no sports medicine on site.

Sheila Shine read the Staff Report.

Sheila Shine read a letter of communication from Daniel Johnson which reads as follows:

I am writing this letter as a member of the LBD Properties, LLC, the owner of the Crossroads Plaza of 6110 Broadway, Merrillville, Indiana. My purpose is to express my support of the approval of the zoning variance for the following applicants: Daniel El Ashmawi, Tiffany Blakemore, and Gia Mittei.

The petitioner stated that there will not be showers on site, and that the co-ed changing area is usually used to change shoes.

The Board had no further questions.

There was no public comment.

Mr. Pete Guip made a motion to approve this petition for this petitioner only, for this use only, and for this location only. The motion was seconded by Vice Chairman Tim Fortier.

The Board voted unanimously by a voice vote of 3 – 0 to approve this petition.

**3. Z24E11-1023    430,LLC PETITIONER & DR VENTURE III, LLC OWNER**

Located at 610 West Lincoln Highway  
Request: Special Exception Approval from Section 21-137  
on 2.17 +/- Acres in a C-3, Highway Commercial Zoning District  
Purpose: To Allow a Dine-In Restaurant

Cornelius and Cheri Henderson, owners of the 430 Legacy, LLC presented their case before the Board. Mr. Henderson stated that the proposed dine-in restaurant will feature various desserts and will occupy a quarter of the building. He stated that he will have orders delivered by the Uber Eats delivery system.

Chairman Ric Holtz inquired about the petitioner’s business hours.

Building Director Sheila Shine stated that the Board could place conditions for the business hours.

There was a discussion about the business hours.

Mr. Cornelius Henderson stated that his brother-in-law has a similar franchise elsewhere and that this proposed site may need some renovations. He continued that there are currently fifty-four franchise locations and the proposed site will not have a drive-thru.

Mrs. Cheri Henderson stated that they are proposing to have a general manager, two full-time employees, and three part-time employees.

There was no public comment.

Vice Chairman Tim Fortier made a motion to approve this petition for this petitioner only, for this use only, and for this location only. The motion was seconded by Mr. Pete Guip.

The Board voted unanimously 3 – 0 by a voice vote to approve this petition.

4. **Z25Uv7-1023**     **DANIEL EL ASHMAWI PETITIONER & LBD PROPERTIES, LLC, OWENR**

Located at 6110 Broadway, Unit 3

Request: Variance of Use Approval from Section 21-137

On 20.606 Acres in a M-2, Limited Industrial Corridor Overlay District

Purpose: To Allow a Pet Grooming Service and a Retail Store

Petitioner Daniel El Ashmawi presented his case before the Board and stated that he offers a high-end pet grooming.

Building Director Sheila Shine read the Staff Report.

Vice Chairman Tim Fortier inquired about the area marked as doggie day care and Mr. Ashmawi explained that approximately 5,200 square feet of the proposed site will be a gated section for possibly up to 20 dogs, depending on the size of the dogs.

Vice Chairman Tim Fortier inquired about how the petitioner will clean up after the dogs and the petitioner explained that the dogs will usually relieve themselves before or after being dropped off at the facility.

Mr. Pete Guip inquired if the dogs will be in cages and the petitioner stated that dogs will be able to roam the gated area.

Vice Chairman Tim Fortier inquired about the noise from barking dogs and the petitioner stated that the dogs are usually not very loud and that his business will not accept aggressive dogs.

Vice Chairman Tim Fortier inquired if this proposed business will require a health inspection and Building Director Sheila Shine stated that if this petition is approved tonight then she will check with the Health Department.

Vice Chairman Tim Fortier inquired that if there are complaints of noise or odor will there be any recourse and Building Director Sheila Shine stated that the Town will act upon the complaint.

The petitioner stated that the dogs can sometimes be separated into three groups depending on the size of the dogs and that there will be a dog trainer on site at all times. He continued that there is a drain near the back so that the area can be pressure washed. He continued that his business is insured for \$25,000.00 per each dog incase of an emergency.

The was no public comment.

Vice Chairman Tim Fortier made a motion to approve this petition for this petitioner only, for this use only, and for this location only with the hours of 8:00A.M. to 8:00P.M. Mr. Pete Guip seconded the motion.

The Board voted unanimously by a voice vote of 3 – 0 to approve this petition.

5. **Z26V5-1023**     **HECTOR A. LEAL PETITIONER & OWNER**

Located at 8274 East 101<sup>st</sup> Avenue (Crown Point)

Request: Variance from Development Standards Approval from Section 21-77(4)

On 1.298 Acres in a R-1, Residential Zoning District

Purpose: To Allow a Pole Barn

Mr. Hector A. Leal of 8274 East 101<sup>st</sup> Avenue presented his case before the Board and stated that he needs the room to store his vehicles and his lawn equipment.

Building Director Sheila Shine read the Staff Report.

Vice Chairman Tim Fortier inquired if there will be utilities installed to the pole barn and the petitioner stated that he is an electrician and would like to have electric and gas run to the pole barn, he will have a licensed contractor to build the pole barn, and the garage door will be 14' x 14'.

Mr. Hector Leal stated that he will not run a business out of the pole barn, it will be used for storage and that there will be an asphalt driveway leading to the pole barn.

Building Director Sheila Shine stated that the petitioner will not get an approved final inspection if there is not a paved driveway to the pole barn.

There was no public comment.

Mr. Pete Guip made a motion to approve this petition with the condition that the driveway to the pole barn will be completed. Vice Chairman Tim Fortier seconded the motion.

The Board voted unanimously 3 – 0 by a voice vote to approve this petition.

6. **Z27Uv8-1023**    **STYLE SAVERS, LLC PETITIONER & LBD PROPERTIES LLC, OWNER**

Located at 6110 Broadway, Unit 13

Request:            Variance of Use Approval from Section 21-137 on 20.606 Acres  
                          In a M-2, Limited Industrial Corridor Overlay District

Purpose:              To Allow a Retail Store

Ms. Gia Mattei came before the Board to present her case explaining that she will have new clothing and will also have some gently used clothing.

Building Director Sheila Shine read the Staff Report.

The petitioner explained that the business hours may need to change due to the customer traffic in the proposed store.

Building Director Sheila Shine explained that the property was previously zoned as a C-2 zoning, but it is now zoned as M-2, limited industrial.

The petitioner stated that she is planning on using the whole space for her business and that out of season merchandise will be stored in the rear of the building.

There was no public comment.

Vice Chairman Tim Fortier made a motion to approve this petition for this petitioner only, for this use only, and for this location only. The motion was seconded by Mr. Pete Guip.

The Board voted unanimously 3 – 0 by a voice vote to approve this petition.

**OTHER BUSINESS**

None

**ADJOURNMENT**

Vice Chairman Tim Fortier made a motion to adjourn the meeting. The motion was seconded by Mr. Pete Guip.

The Board voted unanimously 3 – 0 by a voice vote to adjourn the meeting. The meeting was adjourned at approximately 7:45P.M. O'clock.

Respectfully Submitted,

Marie Wilson,  
Recording Secretary