

**MERRILLVILLE BOARD OF ZONING APPEALS MINUTES
WEDNESDAY, FEBRUARY 24, 2021
6:30P.M.**

The Board of Zoning Appeals meeting of February 24, 2021 was called to order by Chairman Tim Fortier at 6:30PM and led the group in the Pledge of Allegiance.

ROLL CALL

Members in attendance were Chairman Tim Fortier, Mr. William Byers, Mr. Pete Guip, Mr. Ric Holtz, and Mr. Chuck Stocjakovich.

MINUTES: JANUARY 27, 2021

Mr. Holtz made a motion to approve the minutes and the motion was seconded by Mr. Guip. The Board voted 5 – 0 to approve the minutes.

COMMUNICATIONS

NONE

COMMENTS FROM THE CHAIRMAN:

Chairman Fortier addressed all stating I will call each case by case number and by petitioner. I will ask that you come forward, state your name and address for public record at which time you will be given an opportunity to present your case accompanied by any professionals. After that we will have a staff report pertaining to each case. There will be a question and answer period for the Board members. We will open the floor for questions, not comments from the audience. If you wish to speak for or against any case presented this evening we ask that you please sign in at the registry at the center of the aisle. Public comments will be limited to 3 minutes. The Board will render a decision either for or against or for a deferral for the reasons which we will state. At this time please silence any communication devices that you have with you.

OLD BUSINESS

1. Z31E16-1120 ENRIQUE MAGANA AYALA PETITIONER & OWNER

Located at 9520 County Line Road (Crown Point)

Request: Special Exception Approval from Section 21 – 10-(a) in a R-1,
Residential Zoning District

Purpose: To Allow Chickens

Mr. Kevin Warner and the petitioner came before the Board. The petitioner stated the all the chickens are housed inside the existing barn, that he has 20 chickens which he does not sell, and that he has 2 horses. He stated that the chickens are about 100’ from surrounding neighbors.

Sheila Shine read the Staff Report.

Attorney Joe Svetanoff explained to the petitioner that this property is zoned R-1 and the petitioner should have investigated the zoning ordinance prior to purchasing the property and that chickens are considered wild animals and are a nuisance. He continued that the Town does not favor chickens in the R-1 zone.

Chairman Fortier expressed that the Board has the ability to limit the number of chickens allowed, and to make an exception to the zoning and to the regulations, and that the Town Council has the ability to vote for or against.

Mr. Joe Fusni of 9337 E. 93rd Avenue showed and explained to the Board all the different structures that have been built on the petitioner property in the last most recent years and that the roosters are a nuisance. He continued that the petitioner purchased this property in 2015 and that many structures have been built on that property since then.

Dennis & Constance Rouhseland of 9500 County Line Road and expressed to the Board that the roosters are noisy, there have been approximately 200 roosters/chickens, the petitioners

burns fires constantly, and the animal waste from the petitions chickens runs into a surrounding property owners pond.

Sheila Shine explained that there has been several citations issued to the petitioner.

Councilman Shawn Pettit expressed that this sounds like this is a commercial operation at the petitioners' property. He expressed that he has listened to what the remonstrators are saying to and are presenting to the Board. He continued that if this were to be a Zone change it would require action from the Plan Commission and from the Town Council.

Mr. Guip made a motion to deny this petition and was seconded by Mr. Holtz. The Board voted 5 – 0 to deny this petition.

Atty. Svetanoff explained that if the Plan Commission chose to change the zoning it would require a total revamp of the zoning ordinance which could be a very extensive project which the Town Council would need to figure out how to pay for the process.

2. Z4E1-0121 TAKE 5 INDIANA LLC, PETITIONER & IP-TL CENTURY PLAZA, LLC

Located at East 81st Avenue

Request: Special Exception approval from Section 21-136 in a Planned Unit Development (C-3, Highway Commercial Zoning District)

Purpose: To Allow a Drive-Thru oil Change

Mr. Andy Morrison of 4351 Chase Circle, Zionsville, Indiana came before the Board with a revised site plan and some elevations.

Shelia Shine read the Staff Report.

Chairman Fortier expressed to the petitioner that he consider a sign that states no right turn allowed.

Councilman Pettit expressed that there should be concern about putting a building on this particular lot since this spot is the #2 location site of a convention center.

Mr. Holtz made a motion to defer this petition for 30 days and the motion was seconded by Mr. Guip. The Board voted 5 – 0 to defer this petition.

3. 27uV2-0221 DG PROPERTIES TAFT LLC, PETITIONER & OWNER

Located at 7189 – 7245 Taft Street

Request: Variance of Use Approval from Section 21-136 in a C-2 Community Commercial Zoning District

Purpose: To Allow Indoor Climate Controlled Storage & Outdoor Storage

Mr. Frank Koprcina is representing the petitioner and stated that the petitioner is proposing indoor climate controlled storage in the space of the former Strack & Van Til grocery store.

Sheila Shine read the Staff Report.

An Architect explained that the proposed facility will have a double entry door on the front facade of the building and that the interior loading facility will have a proper ventilation system to take care of the vehicle fumes from vehicles entering the facility and there will be indoor & outdoor cameras.

Mr. Greg Bouwer of 425 Joliet Street, Dyer, IN stated that he and his client oppose this petition.

Councilman Pettit expressed to the Board that the petitioner has met with Councilman Pettit and with Councilman Minchuk.

Chairman Fortier expressed that there is an existing storage facility located to the west of this proposed site.

Mr. Stojakovich made a motion for a favorable recommendation and was seconded by Mr. Guip. The Board voted 5 – 0 for a favorable recommendation.

4. **Z8E3-0221** **TOWN OF MERRILLVILLE PETITIONER & OWNER**

Located at 6680 Broadway

Request: Special Exception Approval from Section 21-136 in a C-3, Highway Commercial Zoning District

Purpose: To Allow a Gymnasium/Multi-Purpose Athletic Facility

Councilman Pettit stated that the Boys & Girls Club of Northwest Indiana does not have a current site. The Epic would build a 60,000 square feet gymnasium that would connect to the Dean & Barbara White Community Center via a covered breezeway. A Special Exception condition would be part of the land, not the petitioner. A 15,000 square feet portion of the proposed building would be leased out to the Boys & Girls Club of Northwest Indiana

Sheila Shine read the Staff Report.

Mr. Holtz made a motion for a favorable recommendation and was seconded by Mr. Guip. The Board voted 5 – 0 for a favorable recommendation.

OTHER BUSINESS

NONE

ADJOURNMENT

Mr. Stojakovich made a motion to adjourn the meeting and the motion was seconded. The Board voted 5 – 0 to adjourn the meeting.

Respectfully Submitted,

Marie Wilson,
Recording Secretary

