

**BOARD OF ZONING APPEALS
PUBLIC MEETING MINUTES
JULY 24, 2023**

I. CALL TO ORDER

A. Pledge of Allegiance

The Pledge of Allegiance was recited.

B. Roll Call

Roll Call was taken with the following members present: Chairman Tom Kouros, Vice-Chairman Michael Davis, Mr. William Jarvis, and Mr. Eric Kundich. Staff Present: Town Manager James Gorman, Attorney Alfredo Estrada, Planning & Building Administrator Denise Sulek, and Recording Secretary Megan Schiltz. Absent was Secretary Rick Calinski and Director of Operations Andrew Hansen. In the audience was Councilmen Caleb Johnson and Tom Schmitt.

C. Approve Minutes of the Board of Zoning Appeals Meeting of June 26, 2023

Vice-Chairman Michael Davis made a motion to approve which was seconded by Mr. Jarvis and carried 4-0.

II. PUBLIC ACTION AND PUBLIC HEARINGS

A. B.Z.A Case #23-7-9 1037 Willowbrook Dr. – Willie & Lisa Johnson

General Location: 1037 Willowbrook Dr. – Stonebridge Estates, Phase two. Lot 33

Petitioner(s): Willie D. & Lisa R. Johnson

Request: Developmental Variance as required by Ordinance No. 1797, Title XVII, Section 13, Paragraph A

Purpose: To allow construction of a 6-foot high aluminum fence, 30 feet over the building line on a corner lot

Mr. Kouros asked Attorney Estrada if Proofs of Publication were in order. Attorney Estrada said they were. Mr. Kouros read a letter from the Johnson Family stating they are requesting a variance to allow them to extend the fence 30 ft. over the building line on the corner lot to ensure safety of their granddaughter who had been diagnosed with autism in December; the letter went on to say that the water hose line is just outside of the garage and has proven to be an attraction and interest to her and that allowing the fence to extend will be added protection. Mr. Davis asked if the garage is on the east side of the house. Mr. Johnson replied that it is. Mr. Davis then asked if the fence is going from the east side and then will curve around to the south side. Mr. Johnson said he is going to have it come out towards the corner of the house. Mr. Davis asked if there are other homes in his subdivision with fences. Mr. Johnson replied there are fences all over the neighborhood.

Mr. Kundich asked if the water hose will run under the fence. Mr. Johnson stated the hose line would be on the outside of the fence. Mr. Davis asked if the fence would go from the edge of the garage, go south, and then turns to go west. Mr. Johnson stated that it will. Mr. Kouros opened this matter to the floor. There being no questions or comments the matter returned to the Board. There being no questions or comments from the Staff or Board Mr. Jarvis made a motion to approve B.Z.A Case #23-7-9 pursuant to all State, Local and Federal regulations. This was seconded by Mr. Davis and carried 4-0.

B. B.Z.A Case #23-7-10 637 U.S. Hwy 41 – Proposed: Crew Car Wash

General Location: 637 U.S. 41 – Lowe’s Subdivision, Lot 1

Petitioner(s): Crew Car Wash

Request: Variance of Use as required by Ordinance No. 1797, Title XVI, Section 5, Paragraph C (3)

Purpose: To allow a car wash facility within the U.S. 41 Commercial Corridor Overlay District

Mr. Kouros asked Attorney Estrada if Proofs of Publication were in order. Attorney Estrada said they were. Attorney James Wieser from Wieser & Wyllie LLP at 429 West Lincoln Hwy represented the petitioners. Attorney Wieser stated they are requesting a variance of use from the terms and conditions of the Commercial Overlay District on U.S. 41. Attorney Wieser then introduced the members of the crew to the Board: Mr. Travis Smith - Director of Real Estate & Development, Mr. Andy Goebes – Director of Projects, Mr. Billy Schaming – President/Chief Operating Officer, and Mr. Joe Kelly who will be the Operating Manager at said location. Attorney Wieser informed the Board that Crew Carwash has been seeking a location in Schererville for some time now and feels it would benefit the community; adding it would make the most sense for them to be located at the northwest corner of the Lowes development. Attorney Wieser went on to say that Lowes has a substantial parking lot with about 485 parking spaces and if approved this would only eliminate 7 spaces. Attorney Wieser informed the Board that the Crew Carwash services an average of 300,000 cars a year; Hours of operation are 7am – 9pm 7 days a week with 7am – 8pm during the summer. Attorney Weiser went on to say the average number of employees per site is 18 and only 4 or 5 per shift.

Attorney Wieser stated this would be about a \$10 million project, which would result in the taxing district to receive a guesstimating total of about \$150,000 – \$160,000 a year in real estate taxes. Attorney Wieser went on to say one of the reasons this area looks so attractive is there are often times when locating on a major thoroughfare as U.S. 41, traffic is a paramount consideration. Attorney Wieser stated that in this instance what makes it work so well is that to the south there is a fully controlled traffic signal that can be utilized and there will also be a traffic signal right next to where the facility will go that can direct traffic. Attorney Wieser said if this were constructed, the items stored by Lowes will be moved and the idea then is to tie into Oak St. and utilize the frontage road located behind Longhorn Steakhouse and Chick-fil-A that can then take you out to a third traffic signal. Attorney Wieser stated that the traffic control can be handled very effectively without having to worry about people making a left hand turn where there are not any signal. Attorney Wieser added that another benefit of this site is that the sewer and water utilities are already there and are available to be tied into and it won’t tax the infrastructure system of the Town.

Attorney Wieser stated after having given due consideration to **Indiana Code Title 36-7-4-918.4**; and having paid reasonable regard to the Comprehensive Plan of the Town of Schererville, does hereby concur and make the following Findings of Fact:

1. Approval will not be injurious to the public health, safety, morals, comfort or general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially manner;
3. The need for the Variance will arise from some condition peculiar to the property, which is as follows:

The property is currently an under-utilized portion of the Lowe’s Home Center Development, and, is essentially an Outlot; however, the property is uniquely situated in which to locate a car wash facility in a currently zoned Commercial C-3 Zoning District. Said real property location has existing access to two intersections controlled by traffic signals, and also to the current Oak Street road with access to a frontage road which ultimately connects to an intersection controlled by an automatic traffic signal. Further, the site has access to existing storm water detention and other utilities such that construction of the car wash facility will not burden or cause additional expansion of existing municipal infrastructure;

4. The Applicant did establish that the strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
5. The Petitioner has established that approval does not interfere substantially with the Comprehensive Plan of the Town of Schererville.

Attorney Wieser had Mr. Schaming and Mr. Smith walk up to show the renderings and site plan displayed on a board to the Staff and Board. Mr. Gorman requested to keep the renderings and site plan for the record. Mr. Kouros opened the matter to the floor. There being no questions or comments the matter was brought back to the Board. Mr. Kouros asked if they can explain that the main entrance will be off of Oak St. Mr. Smith replied it will be off of Oak St. because originally Lowes was going to do a tool rental at the end of this building but decided not to do it; for that reason this parcel became an additional acreage Lowes didn't need so they were allowed to come up with a site plan that Lowes had to approve internally. Mr. Smith added the main entrance and exit is going to match up with the rear drive across from the Longhorn, the vacant lot, and Chick-fil-A so they would be going through that drive, which they will construct, and out to the stop light. Mr. Kouros wanted to clarify that they will turn off the intersection that was just repaired then go on Oak St. and turn to Crew Carwash and then come out at the same entrance. Mr. Smith responded that yes everything is done from across the existing drive that runs behind the business to the North and turns into the Lowes parking lot.

Mr. Jarvis asked if the entrance will be the same width as across the street. Mr. Gorman stated it looks to be the same. Mr. Smith replied that he believes they were designed to be the same and that the intention is to line straight up across from each other like it was constructed that way. Mr. Jarvis wanted to clarify that they will have one lane going inbound, one straight through, and one going to the right – which goes nowhere. Mr. Smith stated that was correct and that the future plans call for that road to be extended so they are putting the lane in now in case it ever gets constructed. Mr. Jarvis questioned if they will be doing car detailing. Mr. Smith said this is an exterior clean only operation and everybody will be staying in their car. Mr. Jarvis wanted to clarify that they will have very few cars that park there or will stay there long term. Mr. Smith stated that yes very few cars and added that the average customer is on the site for less than 4 minutes so parking is not an issue.

Mr. Jarvis asked if they recycle their water. Mr. Goebes stated they use a water reclamation system and then goes through a series of grit tanks before it ever gets distributed back into the sanitary system; it is on a primitive schedule where somebody comes out to vacuum truck those tanks out and also have a great detailed list of service work that gets done to ensure the up time is upwards of 99%. Mr. Jarvis then asked if this was like a triple catch basin. Mr. Goebes stated that yes it is very similar and added that the first tank acts as the tank that collects all the oils and fats from the discharge water. Mr. Kouros asked for general knowledge how many cars a minute can go through and how long is an average carwash. Mr. Schaming stated they have a capacity of washing 3 cars a minute; and added that the brand promise to the customers is clean, fast, and friendly. Mr. Kouros asked if vacuums will be available or is it simply just the car wash. Mr. Schaming stated they have some self-served vacuums that probably only 1 out of 10 customers will stop and use. Mr. Jarvis asked Attorney Wieser what he believes the hardship to be. Attorney Wieser stated that the property is currently an under-utilized portion of the Lowes service development and is essentially an Out lot, however it is uniquely situated for a carwash facility in a C-3 Zoning District and that the site is serviced by the infrastructure of the Town so it sits unused. Attorney Wieser added that a hardship has to be peculiar to that parcel of property and that it makes sense in his opinion to locate where commercial activity is encouraged and supported, making this a logical location. There being no further questions or comments from the Staff or Board, Mr. Jarvis made a motion for a favorable recommendation to the Town Council of B.Z.A Case #23-7-10 that all stipulations and details that were presented will be adhere to. This was seconded by Mr. Davis and carried 4-0.

III. COMMISSION BUSINESS

Chairman Kouros read a letter for the record from Attorney Adam Sworden for both B.Z.A. Case #23-6-6 and B.Z.A. Case #23-6-7 revising name change from Pro Sport Auto Finance to Pro Auto Finance located at 7715 W. Lincoln Hwy and 7725 W. Lincoln Hwy.

- A. B.Z.A Case #23-6-6 7715 W. Lincoln Hwy.
Pro Auto Finance
Petitioner(s): Pro Auto Finance, LLC – Mohammad Abu Eid & Almad M. Kamleh

Variance of Use – To allow a used car sales business within the U.S. 30 Commercial Corridor Overlay District
FAVORABLE RECOMMENDATION TO TOWN COUNCIL W/ CONDITIONS (4-0) 6/26/23

Mr. Jarvis made a motion to approve which was seconded by Mr. Davis and carried 4-0.

- B. B.Z.A Case #23-6-7 7725 W. Lincoln Hwy.
Pro Auto Finance
Petitioner(s): Pro Auto Finance, LLC – Mohammad Abu Eid & Almad M. Kamleh
Variance of Use – To allow a used car sales business within the U.S. 30 Commercial Corridor Overlay District
FAVORABLE RECOMMENDATION TO TOWN COUNCIL W/ CONDITIONS (4-0) 6/26/23

Mr. Davis made a motion to approve which was seconded by Mr. Kundich and carried 4-0.


- C. B.Z.A. Case #23-6-8 1300 U.S. 41
Bellydawgs (Menards Location)
Petitioner(s): Bellydawgs, LLC – Jesse Russell and Aaron Earving
Variance of Use – To allow a portable 10' X 16' food trailer to be located on – site from May 1st through October 31, 2023 within the U.S. 41 Commercial Corridor Overlay District
FAVORABLE RECOMMENDATION TO THE TOWN COUNCIL (4-0) 6/26/23

Mr. Davis made a motion to approve which was seconded by Mr. Kundich and carried 4-0.

IV. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:43 P.M.

Respectfully Submitted:



Rick Calinski, Secretary