

**BOARD OF ZONING APPEALS
PUBLIC MEETING MINUTES
SEPTEMBER 25, 2023**

I. CALL TO ORDER

The Board of Zoning Appeals Public Meeting was called to order at 6:01 P.M. by Chairman Tom Kouros at the Schererville Town Hall, 10 E. Joliet St.

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, and Mr. William Jarvis. Staff present: Attorney Christian Bartholomew, Town Manager James Gorman, Director of Operations Andrew Hansen, Planning & Building Administrator Denise Sulek, and Recording Secretary Megan Schiltz. Absent was Secretary Rick Calinski and Mr. Eric Kundich. In the audience was Councilmen Tom Schmitt and Caleb Johnson.

C. Approve Minutes of the Board of Zoning Appeals Meeting of August 28, 2023

Vice-Chairman Michael Davis made a motion to approve which was seconded by Mr. William Jarvis and carried 3-0.

II. PUBLIC ACTION AND PUBLIC HEARINGS

A. B.Z.A. Case #23-8-11 510 77th Ave – Elad & Julie Bachar
Proposed: Home Business – Police Security/Canine Training

General Location: 510 77th Ave.

Petitioner(s): Elad Bachar and Julie M. Bachar

Request: Variance of Use as required by Ordinance No. 1797, Title XVII,
Section 7, Paragraph B

Purpose: To allow a home business to consist of police/security canine training

Mr. Kouros asked if Proofs of Publication were in order. Attorney Bartholomew stated they were, adding that this was a carryover from the last meeting where a number of them were sent, that there was also a supplemental packet that was submitted, and that everything looks to be in order. Mr. Kouros stated that they were in receipt of 3 letters of reference for the record. Attorney Jim Wieser from Wieser & Wyllie, LLP represented the petitioners. Attorney Wieser stated they are seeking a Variance of Use to operate a business in a residential area. This property is located on 77th and is somewhat across the street from the cemetery and Chapel Lawn Funeral Home and Memorial Gardens. Attorney Wieser went on to say that this is a very long deep parcel of property that goes back to the north and consists of approximately 2 acres. Attorney Wieser added that the front of the home is on the south side of the property that fronts on 77th, and has a large grass expanse that works its way back to an accessory building. Attorney Wieser said that Mr. Bachar is well known with municipal Police Departments as a certified/skilled trainer of canines that work with police, private security firms, and people in general.

Attorney Wieser then stated although being in a residential area, Mr. Bachar purchased the property with the thought that this would be an ideal parcel of property to continue his work and endeavors. Attorney Wieser went on to say that the accessory building is in the back to the north and is 2,600 Sq. Ft., and is where the previous owners operated a carpentry business. Attorney Wieser approached the Board and showed pictures of the exterior and interior of the building as well as the fence running along the property. Attorney Wieser said that the building is a large expanse, and is more than efficient in size to engage with the type of training that Mr. Bachar does; adding that the building is insulated and that he does not

believe the next door neighbors will have any noise concerns. Attorney Wieser stated that training is done on weekdays during the daytime with hours between 8:00 AM – 5:00 PM and the most that will be trained at one time would be 3 canines, and there will not be any boarded. Attorney Wieser added that the building is heated and has air conditioning with a full kitchen and bathroom, making this a comfortable large indoor protected facility.

Attorney Wieser stated that he has also provided the Board with a letter of support from Munster Police Chief Stephen F. Scheckel who has worked with Mr. Bachar for a number of years, stating how important his skills are and how valuable he is to the Munster Police Department. Attorney Wieser continued that he has also provided a letter from Corporal Joseph Johnston from the Markham, IL. K9 Unit stating how valuable his qualifications are in providing properly skilled training for the animals. Attorney Wieser said that in the audience is the Merrillville Police Commissioner Pete Dragojevic who would also like to show support and is willing to speak on Mr. Bachar's behalf. Attorney Wieser stated that he has also provided the Board with a proposal showing that there are fences on the east and west side; the east side has trees that have been planted, and he is intending to plant 30 additional trees to provide a tree line all the way to the back of the property that extends beyond the building and right to the edge of the existing pond to provide additional screening.

Mr. Davis asked if there will be any external training in the space between the Bachar home and the red accessory building. Mr. Bachar stated that 90-95% of training will be indoors, and that he will assure to do his best to keep this a quiet and peaceful neighborhood; the open area will not be used except for the dogs "to do their business." Mr. Davis asked if there were any concerns with excessive barking, especially for the neighbor to the west that sits between the Bachar residence and the Deerpath Subdivision. Mr. Bachar stated that he will do his best not to interfere with their day to day life, and will operate between the hours of 8-5; adding that Commissioner Dragojevic suggested to him to sound proof the walls to reduce any possible noise, and that he is willing to do so. Mr. Davis stated that he knows Mr. Bachar has very extensive training with canines and has a very good background. Mr. Bachar stated that the training provided will not create any noise it will be for detection work or obedience work, and there will also be classes for the public and the Police Department canine handlers. Mr. Bachar wanted to state for the record that dogs sometimes bark; but there will not be any excessive barking, and will only be between the hours of 8 AM. -5 PM. Mr. Davis wanted to confirm what Attorney Wieser stated, that they do not anticipate more than 3 canines per training session. Mr. Bachar stated for the record that sometimes there will be a few more dogs on the property, but they will not be boarded; they come and then go inside the training facility and they leave about 3-4 hours later. Mr. Bachar added that sometimes they will meet in the morning and then go to a different venue because police dogs need to see all kinds of venues for training; going on to say that mainly if it is a class, they will just give information for the canines obedience or detection work, and all other work will be outside of the property. Mr. Bachar said he cannot guarantee it will be 100% quiet during these hours, but you will not hear anything at night; adding that usually if a dog sees a squirrel it will bark once and the handler would correct that, and then they will go back to the vehicle or building. Mr. Bachar concluded that they will not be any different than any other dog in the environment, but these dogs are highly trained and if you say quiet they are quiet.

Mr. Davis stated that a significant part of the training would be open field training such as running into fields and wooded areas, and questioned why they wouldn't use the outside area for that. Mr. Bachar said he has been working at a different facility for the past 10 years to train for tracking or any type of building surge, and does not use the same facility just because they don't want to show as much at the same venue, so everything will be outside of the property. Mr. Bachar added that they plan to also have private people at the facility but will not be high traffic like at a store; and sometimes people who have a pet with issues or problems with obedience and they would go straight into the building and will not interrupt anything. Mr. Bachar went on to say there is enough parking on the property by the building and would have between 7-10 customers a week, and gives his word it will not be a high traffic business with lots of people. Mr. Kouros asked if a homeowner would be able to bring their dog and train for security. Mr. Bachar said no. Mr. Kouros asked if they work then specifically within Police Department municipalities. Mr. Bachar replied he does not. Mr. Kouros then asked who else would be needing his service. Mr. Bachar said before he would go to the homes of the people who had issues with their pets, but now they could come to him for a class for about an hour. Mr. Kouros asked how many people would be on staff. Mr. Bachar stated it would just be him. Mr. Kouros then asked that if there were 3 dogs like mentioned earlier would they all be trained by him. Mr. Bachar stated that was correct.

Attorney Wieser asked if Commissioner Dragojevic could speak before the matter was open to the floor. Mr. Kouros said he could. Commissioner Dragojevic stated that he is also the National Executive President for Blue Warrior Tactics, which is a non-profit organization

specifically for certifying police dogs, and has worked with Mr. Bachar for the past 10 years. Commissioner Dragojevic went on to say that he has over 10,000 field training hours across the Midwest and has visited this lot and gave it a good "tune up" to see the environment, neighbor distances, bushes, lake and so forth, and is extremely confident with how the building sits now. Commissioner Dragojevic added that the building is fully plywooded with 5/8 inch thick plywood and R19 insulation between the walls and ceiling and can assure that with the door closed you would not be able to hear anything from the outside. Commissioner Dragojevic informed the Board that he has had a lot of training with Mr. Bachar and that he is his master trainer; continuing to say that while he is servicing 3 or 4 police canines, 2 or 3 police officers will be inside the building watching their partners dog be trained while the other 2 dogs would be in the police car. Commissioner Dragojevic said that in regards to the pet dogs Mr. Bachar was speaking about, there would be only 1 customer at 1 time for just 1 hour and then the customer would leave. Commissioner Dragojevic stated that with Mr. Bachar planting 30 Thuja Trees, which grow very quickly, and if there were a peep from inside the building which he assured there will not be, the Thuja tree would break that sound for the neighbor to the east. Commissioner Dragojevic wanted to clarify why 3 police officers will be there; Mr. Bachar can handle 3 but only 1 at a time, so if there are 2 dogs in the police vehicle of course like any neighbor's dog, if someone walks by the dog will give a couple barks but then stop instantaneously.

Mr. Kouros asked if any dog could be groomed to be a police canine. Commissioner Dragojevic answered that they cannot. Mr. Kouros then asked where the dogs come from if they are already trained, and if then they would be specifically for this program; and whether Schererville or Merrillville have their own programs; and if Mr. Bachar would train for the individual municipality. Commissioner Dragojevic said that yes, some dogs come from Holland, New Zealand, or Germany and already come to the police officer which we call started which we then call a green dog who doesn't yet know exactly what it is doing. Commissioner Dragojevic went on to say that from that point someone like Mr. Bachar would take over and do the training which could take anywhere from 3-6 months on that specific dog; then someone like himself who is a master trainer would give it a final cross to say as of today, it is a police dog. Commissioner Dragojevic stated that regarding the question of tracking and outdoor activities, almost 95% of all that training goes elsewhere; because after training in the building more than once, that dog already knows where that building is at; the odds of that dog being outside doing narcotic searches or tracking articles is probably slim to none because that is not training. Commissioner Dragojevic went on to say that they go to different parks or venues, lawyers' offices or restaurants closed after business so the dogs can see the real deal. Commissioner Dragojevic added that the outside of that property is useless other than having a few squad cars sitting there. Mr. Kouros asked how many dogs an average municipality might have. Commissioner Dragojevic stated that for a police department through Lake, Cook, or Porter County usually have an average of anywhere from 1-3 police canines. Mr. Kouros asked if it is necessary to be licensed in Indiana to train, and whether a trainer from Markham IL. would be able to train in Indiana. Commissioner Dragojevic stated that they have national rights as a non-profit organization and are one of the few in the State of Indiana who are directly licensed to the Indiana Law Enforcement Academy through Plainfield, IN. Commissioner Dragojevic went on to say that Mr. Bachar is a master trainer who has the same powers as himself, other than being president, and that he can certify his own police dogs. Commissioner Dragojevic said that Mr. Bachar has national authority; and even if he chose to have somebody from Florida for a few weeks of training and that officer gets in a court situation, they would have to drive down to Florida to be the expert witness for the canine in the courtroom. Mr. Davis stated that canines do a fantastic job and are immeasurable in the work that they provide for all the police departments throughout our country; and his only concern was that this neighborhood mostly consists of senior citizens and did not want the canines outside with extensive barking, and thanked Commissioner Dragojevic for addressing that concern. Commissioner Dragojevic stated that the canines are only in the police car for air conditioning reasons and will only be out there for 15-20 minutes until the other officer/canine comes out and then that officer/canine will go in.

There being no further comments from the Board this matter was opened to the floor. Mr. James Labas from 550 W. 77th Ave stated that his house is 20 ft. away from that driveway and had to endure 3 unlicensed businesses over the years; adding that the white barn has been used for storage of rvs and trailers for probably 15 years while the other barn was used for a construction company. Mr. Labas then added that the other brother started doing business out of there with the driveway just 20 ft. from his house. Mr. Labas went on to say that he does not need traffic coming that close to his house and that it is zoned residential; that he has had to endure probably over 20 years of people having businesses out of there and getting nothing out of it. Mr. Labas added that every time he would try and talk to the Town about it, it would just fall on deaf ears. Mr. Labas then showed the Board on the projector screen where

his home is located. Mr. Kouros asked if then his main concern would be the traffic. Mr. Labas replied that it is the traffic and having a business there. Mr. Labas continued to say that when he purchased his house the driveway was not there; and when the driveway got moved, the Town did not do anything about that either. Mr. Labas also stated that when the house was bought, the red barn was being used for storage; and because the guy wasn't using it, there was not any traffic. Mr. Labas went on to say that once it changed hands with a new owner that's when it all started. Mr. Kouros wanted to confirm that there is a fence between the 2 houses with a driveway on one side with Mr. Labas' house is on the other side of the fence. Mr. Labas said that was correct.

Mr. Steve Huber from 544 W 77th Ave thanked the Board for the opportunity to be heard and then asked if he could approach the map on the projector screen. Mr. Kouros stated he could. Mr. Huber showed on the map where his property is located and stated that his problem is that from his property on 77th almost all the way to Route 30, there is a wide open wooded area that he maintains and is on the property constantly. Mr. Huber continued speaking towards the map which is away from the microphone and was inaudible. Mr. Gorman asked Mr. Huber to go speak into the microphone. Mr. Huber said that he has had dogs, and anyone who has had a dog knows that dogs get away and must get chased down the street. Mr. Huber said that people make mistakes like leaving the gate open and that it is a part of human nature. Mr. Huber went on to say that there are animals that escape from the zoo every day and it is a normal thing that happens, and that we are all aware of what these dogs can do to somebody. Mr. Huber said that if a dog gets out he has nowhere to go and would be "dead meat sitting there" and that is his issue. Mr. Huber stated that as far as Mr. Bachars qualifications as a trainer goes, let one of the canines off the leash and see what happens and what it can do to somebody; adding that we are all aware of what these animals are capable of doing. Mr. Huber went on to say that he is constantly outside and has older people out there as well as his grandchildren, and is not here to try and stifle Mr. Bachars business. Mr. Huber informed the Board that the neighbor to the east located at 604 77th Ave has lived there for over 70 years and was not able to attend due to the fact that he is more than 300 ft. away and did not receive certified mail. Mr. Huber stepped away from the microphone at the podium and was inaudible. Mr. Huber then stated that he is scared that either he or his grandchildren will be outside, one of the animals will get out, and they will not be able to get away from it; that is the issue. Mr. Huber added that as far as Mr. Bachar goes and training, he is sure that he is a great trainer but that is the problem. Mr. Huber concluded with that he does not know anybody here that would want to go up against these dogs because he sure does not want to.

Commissioner Dragojevic stated that he would like to respectfully re-elaborate that there will not be any traffic, and that there will only be one customer at a time other than 1-3 police officers. Commissioner Dragojevic added that as far as the gentleman that said his home is 20 ft. from the driveway, he is actually 20ft. from the property line not the driveway; and the distance from the actual building to his home is a very long gap and would need a golf cart to zip over, and you would not be able to run over in 10 seconds or so to speak. Commissioner Dragojevic said he would like to clarify once again there will not be any traffic; and to the other gentleman with all due respect, these canines are highly trained; adding that no police officer will ever, no matter where they are at, take his canine out of the vehicle on or off duty without a proper leash and collar like any other dog in the world. Commissioner Dragojevic went on to say that with all due respect, he would put his heartbeat on the table that any cop in the country residentially, commercially, or industrially, will never engage a police dog with even a bathroom break on or off duty without a leash. Commissioner Dragojevic stated that the dog will not be without a leash just like anybody else; and that the rules of almost every single police department in the country, the police dog is not allowed to exit out of the vehicle without a leash unless it is a dyer straight deployment where the bad guy is running, and the cop has no other choice than to let the dog go. Commissioner Dragojevic said he puts his word on the table that the police dog will not leave the police car without a leash, full collar, and harness on, and just wants to be sure they are extremely elaborative on the comments from the crowd.

There being no further comments from the floor, the matter was brought back to the Board. Attorney Wieser stated that for purposes of an administrative hearing, and for purpose of his clients, he always respects comments of remonstrators; they are always significant, important, and generally speaking they are very personal and often times can be emotional when there is a change. Attorney Wieser then said that the comments are inevident, it is an opinion and both folks that testified gave opinions which were not supported by facts. Attorney Wieser went on to say that what was presented to the Board had a lot of technical and supportive evidence that is documentary and supports the position that this is a safe and appropriate location. Attorney Wieser added on that the neighbors and neighborhood will be protected, and that there won't be dogs out running around; that this facility happens to work very well for this purpose and will not be disruptive and that they have demonstrated that to the

neighborhood. Mr. Davis stated that Commissioner Dragojevic addressed concerns about the safety for the police canines and asked Mr. Bachar what safety measures will be taken on the residential pet dogs that are to be trained. Mr. Bachar stated that he wants to make an important point that all dogs are highly trained and the police canines that they pick are mentally stable dogs whether from the Czech Republic or even the United States; adding that in their training, they would need a specific situation in order for them to do something. Mr. Bachar went on to say there is a greater chance someone can get hurt by a pet dog verses a highly trained police dog; adding that there is absolutely no chance that the dog will go anywhere without a leash on his collar. Mr. Davis stated that Commissioner Dragojevic addressed the situation in regards to the police dogs, but it was also mentioned that there will be dogs who are not within the confines of the police department; and then asked what safety precautions are in place for those dogs. Mr. Bachar replied that he is working for a facility that every customer is to take the dog from the vehicle with a leash on; there will be signs in place on the property that the dog must be on a leash at all times; adding that these are pet dogs that they do not know much about when they are coming in, so they must always be on a leash and will not be able to enter the facility without one.

Mr. Kouros stated that he has known Commissioner Dragojevic and respects him and Mr. Bachar and everyone else, but Mr. Huber has a legitimately valid point asking if the dogs that are trained have to be ordered, or if the police officer has to say go and do whatever you would want them to do; and God forbid that his grandkids are there on their property, and a dog gets out. Mr. Kouros asked if the dog is trained to only attack if it is told to attack. Mr. Bachar stated that is correct and that most of the dogs live with their families who have babies and young kids so they know kids; adding that they have to have a scenario to perform and will not go to a kid; but if he does, worst case scenario the dog would just lick their face. Mr. Kouros said that he would like to work on that scenario now if the grandchild goes "oh doggy" like some kids do, in order for that dog to attack that child they have to be instructed by their handler to do so. Mr. Bachar replied that is correct, and would also like to mention that he has a fence around his property. Mr. Kouros said that what he is saying is that Mr. Huber has a legitimate concern about a dog getting out and going over to his property, and wants to be sure that the dog will not attack unless it is told to do so. Mr. Bachar stated the dog will only do what it is told. Mr. Kouros asked about the concern with the non-police dogs. Mr. Bachar said that those dogs are only coming for basic commands like to sit or stay and have nothing to do with police work; adding that there was a miscommunication between himself and Attorney Wieser about security, and there is nothing about home security with these animals on this business. Mr. Kouros stated that he is then something of a "dog whisperer" in just teaching them how to behave. Mr. Bachar replied that is correct, and that there will not be any home protection dogs or anything like that. Mr. Kouros informed Mr. Huber that if he would like to speak, then he would have to come up to the podium and speak into the microphone for the record. Mr. Huber said if these dogs do everything on command then what is the purpose of the leash and would they just let that dog off the leash to roam the property knowing that he wouldn't attack; asking if he is that confident that the dog isn't going to attack somebody and that he doesn't think so.

Mr. Kouros brought the matter back to the Board. Mr. Jarvis said that he would like to make a few statements. Mr. Jarvis stated that he is the Executive Director of the Tri Town Safety Village and that the Lake County, Hobart, and Crown Point Police Departments will come all the time to train different types of dogs for bombs and explosives, drug sniffing, and cadaver dogs. Mr. Jarvis went on to say that he has seen and experienced these different trainings; adding that a group of officers will come where they are right in the middle of a subdivision, have a meeting, and then take the dogs out of the K9 unit vehicles for training. Mr. Jarvis added that these dogs are let off the leash on the property to train, and they do not do anything unless that handler tells them to do it; and that is a fact, and anyone is more than welcome to stop by the Tri Town Safety Village and experience it for themselves. Mr. Jarvis added that the dogs will not attack a child and are constantly trained, much like a child being told not to go in the street, saying the fear is non-coincidental, and you are more likely to get bitten by a Pitbull than by these canines. Mr. Jarvis went on to say that the dogs will not go much further than what the handler tells them to go, there should not be any fear whatsoever; and hopefully he can alleviate that part of it. Mr. Jarvis asked if they have a dog biting suit and if they train with that. Mr. Bachar replied that they do, and sometimes they train with it as well as with the police. Mr. Jarvis stated that they do this all the time at Redar Park to show how dogs on the loose will attack "the villain" with a lot of children watching, and no one ever gets harmed. Mr. Jarvis then asked what kind of insurance they have. Mr. Bachar stated they do not have anything right now, but they do plan to have it soon. Mr. Jarvis asked when the 30 Thuja Trees will be planted. Mr. Bachar stated he could probably have them planted the first week of October. Mr. Jarvis stated that he wants people to understand they are safe around these dogs and that the neighborhood will probably be safer than it is now with squad cars going in and out of there every day.

Mr. Bachar wanted to point out that the maintenance training is once a week and takes place every Thursday for a few hours; and if there is anything running at the same time there will not be any going in and out of the vehicles. Mr. Bachar added that maintenance training is for the already policed dogs and will be once weekly between the hours of 10:00 AM – 1:00/1:30 PM. Mr. Bachar went on to say that there are single purpose and dual purpose canines – dual purpose is for patrol, tracking, and detective work while the single purpose is for narcotics; adding that they do not need to worry about any type of noise complaints with those dogs. Mr. Bachar then stated that it wouldn't even happen for a few months at least until they handle all the business. Mr. Jarvis stated that he is familiar with the dogs and how they handle and what they will do and what they won't do; adding that these animals are the officers' partners not just dogs, and have often times given up their lives to save their partner. Mr. Davis stated that this meeting needed to be held, adding that he is very educated on the positive aspect of these canines and has been fortunate to have had the opportunity to attend the Schererville Police Academy last fall and that one of the demonstrations they had was the canine and how they support the police department. Mr. Davis added that he saw exactly what the canines and their positive aspects that they bring to the community are. Mr. Davis went on to say that, prior to that he would have felt like the remonstrators; but now is aware that they are not there to hurt the public, adding that he wants to be a little bit careful with people and how they are concerned; questions need to be answered, and they need to be educated on what the true purpose of what they canines are and how they are not there to hurt the public. Mr. Bachar stated that he does understand some people don't understand this and is happy to help educate and answer any questions, adding that if there is anything he is able to do now or later that bothers his neighbors, his door is always open to do just that. Mr. Davis stated that his only real concern is with the residential canines and asked how many residential customers he anticipates to come in. Mr. Bachar stated that it is hard to say a number and this is not intended to be a high traffic retail business; but if he needs to give a number, during the week could be 5-10 or 10-15 it is hard to predict. Mr. Davis then asked if they are confident with the residential dogs and owners. Mr. Bachar replied that he is 100% confident with the pet dogs. Mr. Kouros then asked if his position is that there is a far greater chance that a stray dog that has nothing to do with this business would be a greater safety concern. Mr. Bachar stated it is correct.

Mr. Jarvis made a favorable recommendation to the Town Council of B.Z.A. Case #23-8-11 with the stipulations that there be no outdoor dog kennels or boarding overnight except for his own pets; the 30 trees are to be planted as fast as possible; proof of insurance be supplied to the Town of Schererville; install sound proofing if it becomes a complaint from residents around the area; and pursuant to all State, Local, and Federal regulations. Mr. Davis made a motion to second with one other stipulation, that there be a number appropriated to the residential training that is independent from the police training per week. Mr. Kouros asked Attorney Bartholomew if they are allowed to put a stipulation to limit the number of non-police dogs per week. Attorney Bartholomew replied that it seems like a reasonable restriction and doesn't know why he couldn't do that. Mr. Kouros asked Mr. Davis if he has a number in mind. Mr. Davis stated that there be no more than what the police departments will have for training on a weekly basis; and then asked Mr. Bachar or Attorney Wieser if they have any comments on how many, adding that he thought he heard there might be 3 but may be wrong. Attorney Wieser stated that he did say 3 but did not distinguish between personal and police canines, and that he will need a second. Mr. Kouros asked Attorney Wieser to discuss with his client on a number and see if Mr. Bachar if he approves with the stipulations that were put on the request. Attorney Wieser then discussed these stipulations with his clients for several minutes.

Attorney Wieser stated that he has spoken with his clients and they certainly agree and concur with all of the stipulations that were put on the initial motion by Mr. Jarvis, but there simply is not a way they can adequately or properly know how to distinguish the private. Attorney Wieser went on to say that he understands where the issue is coming from; but it is difficult to limit that to a specific number. Attorney Wieser added that they have tried to say that it is not going to be a large or extensive number; but there is no way, and it's arbitrary. Attorney Wieser then added that they can accept all the other stipulations, but they are not in a position to concede with a number. Mr. Kouros asked Attorney Bartholomew if he has any recommendations. Attorney Bartholomew stated that the question would be whether the proposal is pinned down to a specific number; adding that he understands the position and it is hard to do; or whether the proposal on non-police dogs be equal or less than the number of police dogs which would be a little bit more of a flexible standard. Mr. Jarvis asked Mr. Davis that since his motion is on the table would the restriction of 4 personal dogs a day be adequate. Mr. Davis said it would and thanked Mr. Jarvis. Mr. Jarvis then asked Attorney Wieser if the number of 4 non-police dogs a day would be acceptable. Attorney Wieser spoke with his clients for a few minutes and then stated that would be acceptable.

Mr. Jarvis made an amendment to his motion to only 4 non-police dogs be trained in a day. Mr. Kouros asked Mr. Davis if he accepts the amendment. Mr. Davis replied that he accepts. Mr. Kouros stated that there is a motion from Mr. Jarvis to the Town Council for favorable recommendation with conditions and stipulations that have been approved by the petitioner and seconded by Mr. Davis. This motion carried 3-0 for a favorable recommendation to the Town Council.

- B. B. Z. A. Case #23-8-16 8499 Burr St. – Alfred & Sarah Perez
Proposed: Perez Acres, Lot 1

General Location: 8499 Burr St.

Petitioner(s): Alfred Perez

Request: Developmental Variance as required by Ordinance No. 1797, Title IV,
Section 7, Paragraph A

Purpose: To allow a 5,000 Sq. Ft. accessory building/detached garage on the
proposed Lot 1 of Perez Acres (Maximum allowed 840 Sq. Ft.)

Mr. Kouros stated that **B.Z.A. Case #23-8-16** and **B.Z.A. Case #23-8-17** would be heard together. Mr. Doug Rettig, P.E. from DVG Engineering represented the petitioners. Mr. Rettig stated they were here about a month ago requesting 2 variances pertaining to an accessory building Mr. Perez is wishing to build on his new home site. Mr. Rettig continued that they have held off construction, and one of the reasons is concerns from the Board on the size and height of the proposed building. Mr. Rettig went on to say that after discussion with the Perez family they are now proposing to reduce the size from 5,000 sq. ft. to 3,200 (40 X 80) sq. ft. building with the height being then reduced from 25 ft. to 22 ft. Mr. Davis stated that he recalls there being some concern about commercial activity being done at this property, and part of the commitment was that this be used for residential use only. Mr. Rettig stated that Mr. Perez does not want to have any business ran off his property and it is all for residential use only.

Mr. Kouros opened the matter to the floor. There being no comments from the floor the matter was brought back to the Board. Mr. Jarvis asked Mr. Rettig what the height was for the house. Mr. Rettig replied that it is about 40 ft. and the accessory building is not near the house and will not be visible from the road. Mr. Davis made a motion to approve B.Z.A. Case #23-8-16 for a 3,200 sq. ft. detached garage with the stipulation that this building be used for residential use only. Mr. Perez accepted the stipulation. This was seconded by Mr. Jarvis and carried 3-0.

- C. B.Z.A. Case #23-8-17 8499 Burr St. – Alfred & Sarah Perez
Proposed: Perez Acres, Lot 1

General Location: 8499 Burr St.

Petitioner(s): Alfred Perez

Request: Developmental Variance as required by Ordinance No. 1797, Title IV,
Section 3, Paragraph B

Purpose: To allow an accessory building/detached garage height of 25 feet on the
Proposed Lot 1 of Perez Acres (Maximum allowed height 14 feet)

*For discussion see above. Mr. Davis made a motion to approve B.Z.A. Case #23-8-17 with the stipulation that this detached garage has a height of 22 ft. and will be for residential use only. Mr. Perez accepted the stipulation. This was seconded by Mr. Jarvis and carried 3-0.

III. COMMISSION BUSINESS

- A. B.Z.A. Case #23-8-12 1020 U.S. Hwy. 41 Proposed: Stan's Donuts Drive-thru
Petitioner(s): Boulevard Square, LLC – Al Krygier
Variance of Use to allow a drive-thru lane within the U.S. 41 Commercial Corridor
Overlay District

FAVORABLE RECOMMENDATION TO TOWN COUNCIL (4-0) 8/28/23

Mr. Jarvis made a motion to approve which was seconded by Mr. Davis and carried 3-0.

- B. B.Z.A. Case #23-8-13 8499 Burr St. – Alfred & Sarah Perez
Proposed: Perez Acres, Lot 1
Developmental Variance to allow a new home with a height of 44 feet on the proposed Lot 1 of Perez Acres (Maximum height allowed 35 feet)
APPROVED W/ CONDITIONS (4-0) 8/28/23

Mr. Davis made a motion to approve which was seconded by Mr. Jarvis and carried 3-0.

- C. B.Z.A. Case #23-8-14 8499 Burr St. – Alfred & Sarah Perez
Proposed: Perez Acres, Lot 1
Developmental Variance to allow a home with a front yard setback exceeding 250 Feet on the proposed Lot 1 of Perez Acres (Minimum required front yard shall be thirty feet (30'), but not exceed fifty feet (50'))
APPROVED W/ CONDITIONS (4-0) 8/28/23

Mr. Davis made a motion to approve which was seconded by Mr. Jarvis and carried 3-0.

- D. B.Z.A. Case #23-8-15 8499 Burr St. – Alfred & Sarah Perez
Proposed: Perez Acres, Lot 1
Developmental Variance to allow a 3,200 Sq. Ft. attached garage on the proposed Lot 1 of Perez Acres (Maximum allowed 840 Sq. Ft.)
APPROVED W/ CONDITIONS (4-0) 8/28/23

Mr. Davis made a motion to approve which was seconded by Mr. Jarvis and carried 3-0.

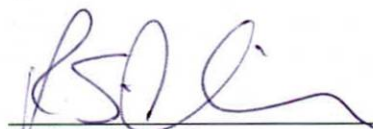
- E. B.Z.A. Case #23-8-1 8499 Burr St. – Alfred & Sarah Perez
Proposed: Perez Acres, Lot 1
Developmental Variance to allow a decorative fence to be constructed over the 30 foot front yard setback line, along the right-of-way line of Burr Street along the proposed Perez Acres development
APPROVED W/ CONDITIONS (4-0) 8/28/23

Mr. Davis made a motion to approve which was seconded by Mr. Jarvis and carried 3-0.

IV. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:27 P.M.

Respectfully Submitted:



Rick Calinski, Secretary

