

**MINUTES OF THE
BOARD OF ZONING APPEALS
PUBLIC MEETING
March 27, 2023**

I. CALL TO ORDER

The Board of Zoning Appeals Public Meeting was called to order at 6:04 P.M. by Chairman 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, Secretary Rick Calinski, Mr. William Jarvis, and Mr. Eric Kundich. Absent was Vice-Chairman Michael Davis. Staff present: Town Manager James Gorman, Director of Operations Andrew Hansen, Planning & Building Administrator Denise Sulek, Recording Secretary Norma Hollingsworth Rico, Attorney Alfredo Estrada, and Councilman Tom Schmitt. Absent was Councilwoman Robin Arvanitis.

C. Approve Minutes of the Board of Zoning Appeals Meeting of February 27, 2023

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

II. PUBLIC ACTION AND PUBLIC HEARINGS

A. B.Z.A. Case #23-3-3 1297 Wildflower Way – Aleksandra Trifunovic

General Location: 1297 Wildflower Way – Estates of Auburn Meadow Phase II, Lot 17

Petitioner(s): Aleksandra Trifunovic

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

Purpose: To amend the Developmental Variance approved on May 23, 2022, to allow a 6' high fence to extend 12' over the building line on a corner lot – Requesting to add an additional 13'. If approved, the fence will be 5' from the edge of the sidewalk on a corner lot

After confirming with Attorney Estrada that the Proofs of Publication were in order, Chairman Kouros asked the Petitioner Mrs. Trifunovic if they wanted to extend their fence. Mrs. Trifunovic explained that she was here in May of last year, and that the fence would have been about 18' from the sidewalk, and that they are requesting an additional 13'. Mr. Calinski asked for confirmation that last year the Board approved the extension over the building line, and that now they are asking for more. Mrs. Trifunovic replied yes, and added that they have a lot of trees that they want to keep within the fence.

Mr. Jarvis asked if they were going to move their existing fence to where the incline is. Mrs. Trifunovic replied that they had not installed the fence, and were waiting to see if they were approved for the additional 13'. Mr. Jarvis asked for confirmation that the fence would not go up to the corner. Mrs. Trifunovic replied no and added that it would be 5' away from the sidewalk on the side, and that she was not looking to go into the front yard, and not pass the house.

Chairman Kouros opened the matter to the floor. There being no questions or comments, the matter was returned to the Board. Mr. Calinski asked if there was an existing fence in the back. Mrs. Trifunovic replied that there is an existing fence that was put up by the Homeowners' Association to separate the townhomes behind them. Mr. Calinski asked

how they intended to connect that fence. Mrs. Trifunovic replied that they would go right up next to that fence, and that she didn't know if they would be allowed to attach to it. Mr. Jarvis asked if she spoke to the Homeowners' Association about extending their fence. Mrs. Trifunovic said she had not. Mr. Jarvis thought there would be a gap. Mrs. Trifunovic said she was going to go right next to it. Mr. Gorman pointed out where her fence would go; and Mr. Jarvis said there would be an "L". Mrs. Trifunovic replied yes; and added that their fence used to be longer, but a storm knocked down part of the end panels. Mr. Kundich expressed concerns about visibility, and Mr. Hansen stated that he believed it would not be a problem. Mr. Jarvis went over the hardships listed in Mrs. Trifunovic's handout as being: Large family with four young children, existing trampoline, playground set and gazebo, and a future pool and pet.

Mr. Jarvis made a motion to approve B.Z.A. Case #23-2-3 pursuant to all State, Federal, and Local Regulations; that there is no impact on the adjoining property owners; and the health, safety, and welfare will not be effected. Mr. Calinski seconded the motion which carried 3-1 with Mr. Calinski casting the no vote.

**B. B.Z.A. Case #23-3-4 1516 U.S. 41 – (Proposed D-Bat Training Facility)
F/K/A Ashley Furniture**

General Location: 1516-1530 U.S. 41 – Fountain Park Subdivision (Resubdivision of Lot 5 and Part of Lot 8), Lot 1

Petitioner(s): S.E. Hamilton Enterprises, L.L.C. – Sean Hamilton

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

Purpose: To allow a baseball and softball training facility within the U.S. 41 Commercial Corridor Overlay District

Chairman Kouros confirmed with Attorney Estrada that the Proofs of Publication were in order. Mr. Sean Hamilton represented the Petitioners. Chairman Kouros asked if they would be using the entire facility which is the old Ashley Furniture store. Mr. Hamilton replied that they would only be using about 13,000 S.F., and that it will require a little bit of work to get it up to D-Bat's specs. Chairman Kouros asked if there would be another tenant in the building. Mr. Hamilton replied yes, that he will be splitting the building; and that the building owners are already demising, and that one of the owners is also in attendance this evening.

Mr. Hamilton explained that they have multiple options depending on the space; and that right now it depends on a few building specifics. Mr. Hamilton said that they are specking out about twelve to fourteen cages depending on the mechanics of the building, the bathroom, pro shop, lounge, party room for birthday parties, etc., storage, and office space.

Chairman Kouros opened the matter to the floor. There being no questions or comments, the matter was returned to the Board. Mr. Jarvis said he was glad to see something going in that space and added that it was a fantastic use. Mr. Jarvis asked what age group he was targeting. Mr. Hamilton said that D-Bat's main audience is seven to twelve year olds, but that he and some of his "old men" team members use the facilities, and that there are also some pro-athletes that visit the D-Bats across the country. Mr. Hamilton added that there are about 130 plus locations across the country and no closures of the franchises. Mr. Hamilton said that any age group can take advantage of this, but that their clinics, camps, and instruction targets the seven-to twelve year olds. Mr. Jarvis asked if they have both soft and hardball. Mr. Hamilton replied yes, and that their pitching machines can be switched to either and are fully automated and digitized. Mr. Jarvis asked about the cost for coming in to practice. Mr. Hamilton replied that they have memberships; and to rent out a cage for an hour, it will range from \$40 to \$90 depending on which type of cage they take advantage of.

Mr. Jarvis expressed concerns about the parking, and said that there are a lot of different retail establishments right there. Mr. Hamilton replied that D-Bat only requires about

twenty parking spaces; and that the front of Ashley already covers that. Mr. Hamilton said there are already ADA ramps, and that it will not take as much space as most people would think. Mr. Hamilton pointed out that the rental cages are scheduled, and that there may be ten cages rented out, but may be three people in each cage, and may not take a full twenty-five at one given time. Mr. Jarvis asked about their busy and slow times. Mr. Hamilton said being targeted for children, Saturdays and Sundays will be the heaviest times; and that somewhere around October, November, and December, you can pretty much expect every day being busy; with peak times being evenings on Thursdays and Fridays, and mostly mornings on Saturdays and Sundays.

Mr. Calinski asked if being a franchise, Mr. Hamilton would be the owner. Mr. Hamilton said he will be the owner. Mr. Calinski asked how many people they intend to employ. Mr. Hamilton said starting out for a space of that size, he would probably be running it for the first couple of weeks and months until he can find someone; but that they will need a general manager and two or three part-time individuals. Mr. Hamilton said because the hours are not strictly nine-to-five, they will probably be open 12:00 P.M. to 7:00 P.M. Mr. Hamilton added it will be about three to four people including himself.

Chairman Kouros asked which part of the building they would be occupying. Mr. Hamilton replied that originally there was going to be another tenant next door, but he isn't sure where that shapes out right now. Mr. Hamilton said that currently, they are filling in from the north to south; but if that other tenant doesn't come in, he would probably take the edge of the building. Chairman Kouros said right now he was taking the north, and asked if they were expecting another tenant. Mr. Hamilton said he wasn't sure where that lies today, but he thinks the owners are working on it. Chairman Kouros asked if their business revolves around coaching. Mr. Hamilton replied that there are instructors that are not on staff, but are 1099 employees. Mr. Hamilton said they get a certain commission based on the students that are booked with D-Bat and assigned an instructor. Mr. Hamilton said that they don't align to travel teams or coaches specifically, and that they don't really want coaches coming in from off the street being instructors. Mr. Hamilton added that a coach can bring in a team; but in order to take on instructions for batting, hitting, etc., they would normally take on their instructors. Chairman Kouros asked if they will have a pro-shop. Mr. Hamilton said yes. Chairman Kouros said they are having a party area and asked if there would be a kitchen as well. Mr. Hamilton replied that they won't have a kitchen per say; and that it depends on where the party room will be located. Mr. Hamilton said they may have a sink there, but it really depends on the cost. Mr. Hamilton said there will be no cooking, no stoves.

Mr. Kundich said there are a number of facilities around the area popping up and that a lot of them include alcohol service in the lounge, and asked if that was something they were doing. Mr. Hamilton replied no alcohol, no beverages outside of their vending machines. Mr. Hamilton explained that the parent lounge is really an area for them to sit around and wait in a comfortable place to watch.

Mr. Calinski made a favorable recommendation to the Town Council for B.Z.A. Case #23-3-4 based on the use will not hinder or harm the growth and spirit of the Overlay District, and that it will be a great redevelopment use at that location. This was seconded by Mr. Kundich and carried 4-0.

III. COMMISSION BUSINESS

- A. B.Z.A. Case #22-11-30 438 Hilbrich Dr. – Sanjin Cancar
Petitioner(s): Jefferson Electric, L.L.C. – Rob Walsman
Developmental Variance – To allow 488.3 S.F. of roof-mounted solar
(80 S.F. Maximum) APPROVED W/CONDITIONS (3-0) 2/27/23
Mr. Jarvis made a motion to approve which was seconded by Mr. Calinski and carried 4-0.

- B. B.Z.A. Case #22-11-31 438 Hilbrich Dr. – Sanjin Cancar
Petitioner(s): Jefferson Electric, L.L.C. – Rob Walsman
Developmental Variance – To allow several roof-mounted solar panels to be installed
facing side yards West and Northeast APPROVED W/CONDITIONS (3-0) 2/27/23
Mr. Calinski made a motion to approve which was seconded by Mr. Jarvis and carried

4-0.

C. B.Z.A. Case #22-2-2 7860 Burr St. – Care First Immediate Care/Imaging Center
Methodist Hospital

Petitioner(s): Lamar Outdoor advertising – Shawn Pettit

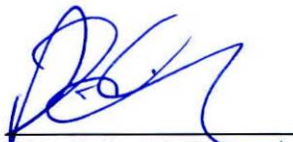
Variance of Use - To permit the relocation of an existing static, 10.5' x 36 off-premise advertising structure to be relocated 600' to the East, placed at a zero setback on side and front yards with an overall height of 48'

FAVORABLE RECOMMENDATION TO TOWN COUNCIL W/CONDITIONS (3-0)
2/27/23

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

IV. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:32 P.M.



Rick Calinski, Secretary