

Burns Harbor Board of Zoning Appeals

Minutes of Tuesday, May 24, 2016

The Board of Zoning Appeals of the Town of Burns Harbor, Porter County, Indiana met in its regular session on Tuesday, May 24, 2016 in the Town Hall. The meeting was called to order by Board of Zoning Appeals Vice President, Timothy Minier at 7:00 pm.

The Pledge of Allegiance to the American Flag was recited.

Roll Call:

Tracy Freeze	Present
Gordon McCormick	Present
Timothy Minier	Present
Kevin Tracy	Present
Bernie Poparad	Absent

Additional Officials Present

Building Commissioner-Bill Arney
Attorney-Christine McWilliams
Secretary-Marge Falbo

Minutes

Approval of Minutes of January 26, 2016 was postponed until the June 28, 2016 meeting. Freeze moved to approve the minutes of January 26, 2016. Tracy seconded the motion. Motion carried by all in favor vote.

Communication, Bills, Expenditures

None

Report of Officers, Committee, Staff

None

Preliminary Hearing

1. William Scott - Job Steel dba Scott's Way - Use Variance

William Scott - Job Steel dba Scott's Way, 277 Melton Road seeking a Use Variance for outside storage, truck and trailer rental and surface parking.

Scott requests to read his written description. Minier agrees. Scott states, my name is Bill Scott. I am president of Job Steel Corporation. I am operating a business illegally in your town at this time, according to the zoning ordinance of the town. I am here to try to get the BZA to grant me a Use Variance so that I may legally operate the business and be in compliance with the zoning that applies to the property at 277 Melton Road. I am asking you grant me the variance to direct commercial equipment and allow me to rent out parking spaces for boats, trucks and campers and also have housing for trucks and trailers that are owned by the company. I would also ask that you allow rental sales in part of the garage area for parts and related items that would help my business.

Minier says you currently have a rental business going on at that site. Scott replies I currently have a temporary rental for U-Hauls. There is no contract, it is temporary right now until you tell me when I'm supposed to do it.

Minier says that's just the rental equipment and not power equipment and things like that. Scott replies no.

Minier asks if the area in the back is paved, or not paved, gravel, what's there? Scott replies it's unpaved but it's graveled and slagged.

Minier asks if there have been precautions made for dust control? Scott replies not really.

Freeze asks Scott if he is planning on paving the parking lot. Scott says he would love to but it I can't afford to pave it.

Minier asks if Scott is looking to make changes to building or the set-up. Scott replies no changes, nothing on the drainage, nothing like that. I just want to keep it maintained. I don't want to change anything.

Minier asks Arney if he has any comments. Arney replies first let me tell you what Scott is permitted to do. He is permitted to do truck repair and parking of the trucks that are waiting to be repaired. Currently, under the zoning, he does have an approved variance, however, he is looking to use the rest of lot for parking of different types of vehicles, boats, RVs, semis, things of that sort. He also wants to rent U-Hauls from this location and both of these are against our zoning. Mr. Scott is here in front of the Board to seek these variances because as of now neither the U-Haul rental, or more so, the parking without being on a pervious surface are not permitted within the zone.

Minier says he sees a lot of trucks when he goes by there, are these strictly for parking or is this a transfer station. Scott replies no transfer station at all. None whatsoever. Freeze asks so all the trucks that are there currently are awaiting repair? Scott replies well not all of them, I own a few trucks that are there. They are housed there on the weekends mostly so you will see them as you go by. Minier asks Scott how many trucks do you own? Scott replies right now there are nine that I own. Minier asks just the trucks or the trailers too. Scott replies trucks and trailers are together.

McCormick has a question in reference to the parking. You want to park everything on the east side of the property? Campers, boats, trucks, where are your trailers going to go? Scott replies they are hooked together. McCormick says so they will be facing west along that fence. Scott replies yes. The property is 200 feet wide. I'm sure you know that better than me.

Raymond Poparad of 373 Old Porter Road asks how many trucks are you planning on parking there? Scott states we really don't know. I don't have number right now. There are 6.4 acres there. I don't have a number. With the campers and everything else right now and the U-Hauls, there are probably 25 units sitting there right now. I'm not looking to filling up the whole place, it would be impossible.

Freeze asks Scott if he is looking at putting any restrictions on the type of vehicles that he will store there. Do they need to be in working order? Scott says the ones that are being stored there will be in working order. I don't want to put any junk there. I cleaned up the area, as you know, and don't want junk there. I no longer have my dispatch operation. I have shut the trucking company down all together.

Arney says Scott was previously denied a variance for outside storage and that is what he is referring to by cleaning up. He had to clean up quite a bit. That zoning area is not pervious to outside storage. He was denied for that variance in the past.

Minier asks if we have a date for when that was, roughly. Is it a month, a year that you applied for the last variance? Scott states that last time we tried to apply for a variance was probably 2010, or 2011 or 2012 somewhere in that range there.

Freeze asks Scott if there are monies owed to the town. Scott replies \$58,000 is owed to the town from my rulings of Judge Harper. Freeze asks if there are plans to pay that. Minier asks if this was a judgment based on defense fees that were awarded. Scott replies this was an order that she laid down to clean up the property. Attorney McWilliams cautions the board on this line of questioning.

Minier says he has nothing more and if no one else has any other questions he would like to set a meeting for June 28, 2016 for a public hearing.

Tracy moved to set a Public Hearing for June 28, 2016 for a Use Variance for outside storage, truck and trailer rental and surface parking. McCormick seconded the motion. Motion carried by all in favor vote.

2. **Kathryn A. Egolf and Scott D. Dzierba - Development Standard Variance**

Kathryn A. Egolf and Scott D. Dzierba, 351 Melton Road, seeking a Development Standard Variance to build a garage which exceeds the square footage allowed in the district.

Minier asks the purpose of the garage is to store what? Egolf replies to store our vehicles, lawn mower, etc. There is currently not a garage on the property.

Minier says currently the building is over 30% so that is the reason it came here. Arney states yes the house is smaller than the proposed garage and exceeds the square footage of 700 square feet for an accessory building.

Minier asks what material will be used for this construction? Egolf replies a steel building.

Minier asks if the garage will match the house colors. Egolf says were are trying to decide on that because we do want to re-side the house. Yes, they will match.

Minier asks if there will be landscaping around it or anything else? Will there be trees or shrubbery around it? Egolf replies there are currently trees and a fence between the properties and yes I plan on improving that.

Minier asks if the garage will be plumbed or just simply for cold storage for cars. Egolf replies just for cold storage.

Minier asks is that for a two-car, three-car? Egolf replies it will be a two-car garage mainly for storage with sections in the back.

Tracy asks how tall the garage will be. Egolf replies the walls are going to be 10-foot and at the peak it will be 14 feet.

Minier says he has nothing more and if no one else has any other questions he would like to set a meeting for June 28, 2016 for a public hearing.

Freeze moved to set a Public Hearing for June 28, 2016 for a Development Standard Variance to build a garage which exceeds the square footage allowed in the district. Tracy seconded the motion. **Motion carried by all in favor vote.**

3. Lance Waugaman-Curly's Custom Cycles - Special Exception

Lance Waugaman, 328 Melton Road, seeking a Special Exception Variance to purchase undeveloped property in an R-2 zone to build a motorcycle shop with offices and showroom at U.S. Highway 20 and State Road 149.

I want to build high-end custom motorcycles for very wealthy, famous individuals from all over the U.S. and Canada. I started in Chesterton and at the present I am renting in the Hobart area. I am from and live in Porter. I'm looking into having my own place and opening my own business here. So, I am asking for a Special Exception Variance to do so. The bikes we build start out as Harley Davidsons and we pretty much take them apart, alter them, and make them really, really crazy. We service them as well.

Minier asks Arney if R-2 and RC-2 are the same things to reference, right? Arney replies yes, basically for the table of use, but RC-2 has a little bit more because of the residential-commercial living and states the difference is retail.

Arney says this type of procedure would typically start at the Plan Commission but Waugaman has reserves about buying the property before knowing he can proceed and I suggested he start at the BZA with a Special Exception.

Freeze asks if the property is west of Mortar Net? Arney replies exactly west of Mortar Net. Freeze says she has seen the property for sale sign there.

Arney says that because Mortar Net is on a well, the water and sewer tap are available for connection. McCormick says the sewer line doesn't go directly up to his property. Arney replies no, not all the way to his property but just shy of it, so he would have to tap that. Minier asks 100 feet, 200 feet? Arney replies it's two plots over. McCormick states it stops at Lot 348. Arney replies yes, but it's not a big issue.

Freeze asks Waugaman what type of delivery traffic do you have to the business, any freight delivery, any large trucks coming in or anything like that? Waugaman replies not usually, it's mainly Fed-Ex, UPS and very rarely if we order, for example, a motor cycle lift, it would come via a semi but I would say maybe three semi deliveries per season.

Minier asks how many square feet are you looking to put up? Waugaman replies right now I am looking at 60 x 120 or even a little larger. I have renderings if you would like to see a copy. I really want my building to look like a million dollars. This is what I'm looking at right now. There will be landscaping.

Freeze asks if the business will have after-hour events such as rallies or anything like that. Waugaman replies no. Typically, every once in while we will hold a spring opening which is like a bike show. It just depends. We're a Monday through Friday operation.

Minier asks if there will be retail sales. Waugaman replies the retail would be if someone wanted to buy an oil filter or parts. Our hours are 8a-5p. We are not open on weekends.

Minier asks if there will be access from Porter Road behind and the front too? Waugaman replies he was thinking about that just because it's easier. Arney states Waugaman will need to petition the State for a travel cut which they will give him for a new business because it is not heavy loaded.

Minier asks Arney if this is a preliminary thing or are we approving this after everything gets finalized. Arney replies Waugaman is looking for approval of the Special Exception Variance to be able to run his business there and then he will move forward.

Freeze moved to set a Public Hearing for June 28, 2016 for a Special Exception Variance to purchase undeveloped property in an R-2 zone to build a motorcycle shop with offices and a showroom. Tracy seconded the motion. **Motion carried by all in favor vote.**

Public Hearings

None

Old Business

None

New Business

None

Good of the Order of the Community & Any Other Business

None

Announcements

None

Adjourn

Tracy moved to adjourn at 7:40pm. Freeze seconded the motion. **Motion carried by all in favor vote.**

APPROVED on June 28, 2016

Timothy Minier, Vice President in absence of Bernie Poparad, President

Marge Falbo, Secretary