

# Burns Harbor Board of Zoning Appeals

Minutes of Tuesday, August 23, 2016

The Board of Zoning Appeals of the Town of Burns Harbor, Porter County, Indiana met in its regular session on Tuesday, August 23, 2016 in the Town Hall. The meeting was called to order by Board of Zoning Appeals President, Bernie Poparad at 7:00 pm.

The Pledge of Allegiance to the American Flag was recited.

### Roll Call:

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

### Additional Officials Present

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

### Minutes

McCormick moved to approve the minutes of July 26, 2016. Tracy seconded the motion. **Motion carried by all in favor vote.**

### Communication, Bills, Expenditures

Falbo says Freeze has two items she wants addressed in her absence.

One being Bill Scott is still parking trucks at his business and she would like to know what Attorney McWilliams can do to stop it.

The second being the Tarnowski property at 357 Melton Road. This property has no home or garage, merely two sheds that have very tall grass growing between them and Freeze wants to know why the grass isn't being mowed. Commissioner Arney says he will look into it.

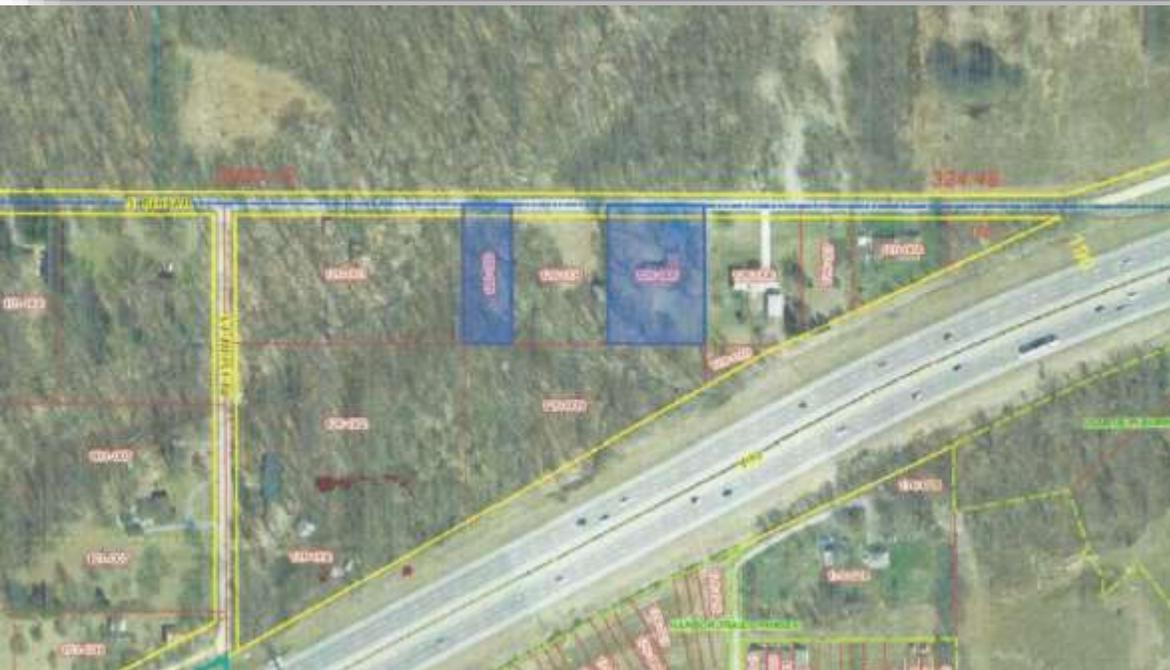
### Report of Officers, Committee, Staff

None

## Preliminary Hearing

Poparad invites Mr. Friday to the podium and asks him to state his request.

My name is Richard Friday and my address is 362 W. North Boo Road, Burns Harbor, Indiana. I would like to add on to an existing pole barn. My property is located behind Praxair which is mainly wooded. Interstate 94 borders on the back of my lot. I have two neighbors east of my house, Mike Wallace and Ken Simmons, both have no objections. You can't use the property for anything but storage.





Poparad asks if everyone knows where the property is. Everyone replies yes.

Friday says, that at my age, my son Ray will take over the woodworking.

Poparad asks Attorney McWilliams if everything in the application is in order.

Attorney McWilliams says all of the required attachments show that it is a complete packet. Poparad says the packet looks a lot better than some that have been submitted.

Poparad asks for questions from the Board.

Tracy asks what type of woodworking equipment it will be.

Ray Friday, Mr. Friday's son replies a table saw, lathe.

Tracy says that answers my question, I just want to make sure we're not going to be doing saw milling in Burns Harbor.

Poparad asks the Board if they want to set this for a Public Hearing next month.

Tracy moved to set Mr. Friday's request to add an additional pole barn on his property for a Public Hearing on September 27, 2016. McCormick seconded the motion. Tracy-Aye, McCormick-Aye, Poparad-Aye. Motion passed.

Poparad tells Friday he needs to see Falbo about completing paperwork for the Public Hearing. Falbo says she has a packet ready for Friday tonight.

Poparad says we will see you next month and we'll get you taken care of.

### **Public Hearing**

None

### **Old Business**

***William Scott – Job Steel dba Scott's Way-Use Variance***  
***Signatures for Findings and Decisions prepared by Burns Harbor Attorney, Christine McWilliams, Osan & Patton, LLP.***

Poparad says Attorney McWilliams prepared Mr. Scott's Findings and Decisions for legal purposes and asks the Board if they agree with it. The Board agrees and those in attendance sign the document. Poparad thanks Attorney McWilliams for her hard work in preparing it.

### **New Business**

None.

### **Good of the Order of the Community & Any Other Business**

Poparad says we will have a BZA and Plan Commission meeting next month. The Plan Commission meeting will be on September 12, 2016.

### ***Board of Appeals Application Process***

Attorney McWilliams says anytime there is an application for a Use Variance, Developmental Standard Variance or Special Exception, at least in my opinion, I think that the process has been confusing on

- what should take place at a Preliminary Hearing versus a Public Hearing
- what needs to be made part of the record for Findings and Decisions and so forth

Attorney McWilliams says she is willing to make a check list for Public Hearings so the Board members know what they should be looking for and help guide them on relevant questions to ask as far as making sure that the decision is being based not only on proper grounds but to their satisfaction. Attorney McWilliams wants to make sure that the Board is getting all the information they need to make those decisions.

Poparad says he totally agrees and we would appreciate it and believes it will help Falbo and Commissioner Arney as well. Poparad says anything we can do to make this process run more smoothly is appreciated and asks Attorney McWilliams if she can have something prepared for the next meeting. Attorney McWilliams replies yes.

**William Scott – Job Steel dba Scott’s Way**

Commissioner Arney says the Building Department does plan to act again on the decision of the Board of Zoning Appeals via a Violation Ordinance. We are sending a request to discontinue the use. That is going to be our first step before Attorney McWilliams can proceed and at that point I will be working with Attorney McWilliams as we have in the past.

Poparad says he is still running the U-Hauls in and out.

Commissioner Arney says my letter will state “the U-Hauls must be discontinued” and I will reiterate what he is permitted to do which is the truck repair and parking of his trucks that are awaiting repair.

Poparad says he hopes this will not be a long drawn out situation as it has been previously.

**Announcements**

None.

**Adjourn**

McCormick moved to adjourn at 7:35 pm. Tracy seconded the motion. **Motion carried by all in favor vote.**

**APPROVED on September 27, 2016**

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Bernie Poparad, President

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Marge Falbo, Secretary