

Burns Harbor Board of Zoning Appeals

Minutes of Tuesday, February 23, 2021

The Board of Zoning Appeals of the Town of Burns Harbor, Porter County, Indiana met in its regular session on Tuesday, February 23, 2021 in a Zoom Virtual Meeting. 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:

Bernie Poparad Present
Bob Crecelius..... Present
Jim Meeks..... Present
Timothy Minier Present

Additional Officials Present

Attorney-Michael Brazil
Building Commissioner-Rob Wesley
Secretary-Marge Falbo

Also Present

Robert Goad
Skip Bosak
Cheryl Muta
Todd and Carlee Kobitz

Minutes

Creclius makes a motion to approve the minutes of January 26, 2021. Minier seconded the motion. Motion carried by all in favor vote.

Communication, Bills, Expenditures

None

Report of Officers, Committee, Staff

None

Preliminary Hearing

None

Public Hearing

Robert Goad

1130 South Babcock Road

Development Standards Variance to erect an accessory building which exceeds the 700 square feet allowed in a Residential Zone and is not behind the building line.

Poparad says Goad has provided the Army Corps of Engineers letter we requested, and everything is in order. Board members agree with Poparad.

Poparad opens the Public Hearing.

Poparad asks for public comment in favor. There is no public comment in favor.

Poparad asks for public comment in opposition. There is no public comment in opposition.

Poparad closes the Public Hearing.

Minier says I have no objections on this end. I just want to make sure that we always keep a copy of the Army Corps of Engineers letter on file with the paperwork.

Meeks makes a motion to approve the Development Standards Variance for Robert Goad. Minier seconded the motion. Motion carried by all in favor vote.

Public Hearing

Cheryl Muta and Skip Bosak

Bosak Auto Group

Use Variance for Name Changes on Current Standing Signage at 239 Melton Road

Poparad says the Board members reviewed this and all Bosak Auto Group is requesting is to change the names on the sign to reflect the current dealerships.

Poparad opens the Public Hearing.

Poparad asks for public comment in favor. There is no public comment in favor.

Poparad asks for public comment in opposition. There is no public comment in opposition.

Poparad closes the Public Hearing.

Minier says the only thing I would recommend is just to make sure that we make the variance—it's for whatever particular line of cars he's selling. Poparad says the sign stays the same size, location and I believe we're good with everything else. Crecelius says do we need to add language in the event Bosak were to sell to a different company at some point down the road so that the next company is able to put their name on the sign if they choose to do so. Meeks says if they get a new owner they should have to come in for a new variance. Minier says I agree with Meeks. The only caveat would be if the sign stays the same would it matter but at the same time I agree if we have a new owner and new control over this, it probably makes sense to have them come back in. Meeks brings up a good point. Crecelius agrees.

Minier makes a motion that the sign remains the same, same place but allowed to put up whatever car line is being sold at that particular dealership at the time but only to the extent that that current owner, which is Bosak Auto Group, has control of the property. Upon sale the new owner would have to apply for a new variance at that time. Crecelius seconded the motion. **Motion carried by all in favor vote.**

Old Business

None

New Business

Ruff Luxury Inn at the Dunes

Todd and Carlee Kobitz

Seeking to open an all-inclusive dog care facility in Burns Harbor

Poparad says we have a Preliminary Hearing set for next month. We need to see everything you want to do with the property because it has some pretty stringent variances on it currently.

Todd Kobitz says for the most part we have our plans drawn up with FBI Buildings. We would like to utilize the pole building as other property and attach onto that and do 40 x 100-foot extension off of that. Also, close to the parking lot, where the building sits, do another 40-foot addition on the side so it's "L" shaped. We also want to go into the existing shop and have that be our grooming facility. We'll go in there and clean that up. Poparad says have you purchased the property. Kobitz says it's on contract pending approval by the Town and we're waiting on our SBA loan. We're getting all of our final bids in with contractors—FBI, concrete, and everything else. The bank has approved us and we're waiting on the SBA as well. Attorney Brazil says they are not the owners of the property so we will need a POA to submit the application and then come before the Board. Poparad says see Building Commissioner Wesley and he'll talk to Attorney Brazil about the POA so we will have that for next month.

Poparad says a kennel is not a permitted use in the Downtown District and the pole barn that is located behind the original office building received a Use Variance from the BZA on October 23, 2001 with the conditions that stated the storage is limited to business storage and personal items belonging to Larry Frain or his family. We are going to set this for a Preliminary Hearing for next month. Falbo says we will need two use variances completed in order to have the Preliminary Hearing. Poparad says you will have to get some paperwork filled out, so you need to see Falbo and she'll get you the paperwork. Falbo says they will need to fill out two Use Variances as shown on the Rejection form. Kobitz says what's the typical timeframe for approval if the Board sees fit for that. Poparad says the Preliminary Hearing next month on March 23, 2021 and the Public Hearing on April 27, 2021. See Falbo and Building Commissioner Wesley and they'll get you fixed up and we'll see you next month.

Meeks makes a motion to set a Preliminary Hearing on March 23, 2021 for Ruff Luxury Inn at the Dunes. Crecelius seconded the motion. **Motion carried by all in favor vote.**

Poparad say you'll have some work to do over the next month.

Good of the Order of the Community & Any Other Business

Poparad says we do have another Board member. His name is Travis Dunlap. We'll get him sworn in at the next meeting. He is a Town Council appointment from the Plan Commission to the Board of Zoning Appeals.

Poparad says BZA is probably the hardest Board to conduct virtually. Especially next month when we have to review paperwork, drawings, etc. Meeks says the BZA needs to meet in-person and I'm all in favor of it.

Announcements

None

Adjourn

Meeks motions to adjourn at 7:25 pm. Minier seconded the motion. **Motion carried by all in favor vote.**

APPROVED on March 23, 2021

Bernie Poparad, President

Marge Falbo, Secretary