

Burns Harbor Board of Zoning Appeals

Minutes of Tuesday, May 28, 2024

The Board of Zoning Appeals of the Town of Burns Harbor, Porter County, Indiana met in its regular session on Tuesday, May 28, 2024, in the Town Hall. The meeting was called to order by the Board of Zoning Appeals President, Bernie Poparad at 6:00 pm.

The Pledge of Allegiance to the American Flag was recited.

Roll Call:

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

Additional Officials Present

Attorney Clay Patton, and Secretary Jill Sherrill.

Also Present

Councilman Jack McGraw, Shem Khalil with Global Engineering, Alonzo Garcia with Great Lakes Engineering, and Mark Hartman with Stone Town Capital.

Minutes

Minier made a motion to approve the minutes of February 27, 2024. Crecelius seconded the motion. Dunlap-Aye, Crecelius-Aye, Meeks-Aye, Minier-Aye, Poparad-Aye. Motion passed.

Communication, Bills, Expenditures

Nothing to report.

Report of Officers, Committee, Staff

Nothing to report.

Preliminary Hearing

Hartman stated my name is Mark Hartman with Stone Town Capital and I have Alonzo Garcia with Great Lakes Engineering with me as well. We are applying for two variances. One is the Developmental Standards Variance and the other is the Use Variance. We have an area of land that is adjacent to our existing community at Shadyside Mobile Home Community and that is currently zoned as residential. We would like to obtain a special use permit to operate it as a mobile home community with the intent long term of getting it rezoned to mobile home. So, that is the Use Variance portion of this. The Developmental Standards variance portion is that we are asking for a variance on one side of the expansion. It's required to be 30 feet away from the property boundary and we are requesting a 10-foot variance where we can be 20 feet away from the property boundary. The reason for this is one of the biggest mobile homes they make is a 16 by 76-foot home and these are more desirable than the 66-foot home and they are larger and cater to more families. So, we would like to put the 76-foot homes on those seven lots and right now we would only be able to put the 66-foot homes. One update we have had to make to the property was removing one site to put in a retention pond which our engineers at Great Lakes Engineering have done to meet the Town of Burns Harbor stormwater requirements. Khalil stated the main concern right now is the listing of all of the variances for the Developmental Standard is

not based on the Residential zoning. The zoning currently is Residential and this request varies from that zoning. Hartman asked if it was zoned as mobile home would it still have the same developmental standards as Residential? Khalil stated no, the developmental standard will not apply unless you're applying for the developmental standard from that district as well. Poparad stated so you did all of your calculations on this special use district and not a Residential. Hartman stated, yes because we cannot build it if it is Residential. That is why we are requesting a special use permit to operate it as a mobile home. Dunlap stated and then the intent is to rezone later? Hartman stated that is correct. I knew the rezoning would probably take a little longer so that is why I was requesting the special use permit first to develop the property. Khalil stated the board cannot change the zoning and that would have to go through the Plan Commission board. The Developmental Standard has to be based on the existing zoning and not based on the projected zoning. Meeks stated you have residential properties on Shadyside Rd. that are all up east of the trailer park. If we go ahead and offer the variance here people might not be keen on that. I am not opposed to changing and expanding on that property, but we will be doing all of this work to grant this variance and there will still be more work to do. In my opinion, I would just try to get it rezoned first and then do this instead of making everybody go through hoops to turn around and at the end of the day end up doing it anyway. Minier asked have you contacted the DNR and the Army Corps of Engineers at all? Garcia stated just about the wetlands and they haven't flagged or cited anything. Minier stated the reason I am concerned is where the location is at and where the floodplain is located, it acts as a stream restoration. I think there is a buffer that is required. I fear that if you go through all of this rezoning and then DNR comes in they are going to have you rip everything up and put it back the way it was because you are too close or restrict it and that is going to cost you more money. So, as a friendly gesture, I would check that out. This area flows into the national parks and you're also dealing with the Army Corp Engineers. Meeks stated Khalil did you have a chance to look over this drainage report? Khalil stated I did not. Meeks stated it has a lot of data and it doesn't appear to have any summary or conclusion with recommendations. More importantly, I don't know who did this report because there is no name on it. Garcia stated Great Lakes Engineering. Meeks said okay, well we need an engineer's name with Great Lakes Engineering to be listed on this report. Minier stated according to the drainage report the area is sloped and does come back so I'm just curious to see the offsets and whether the pond would be able to handle everything. Would this be the town or public installing the water and the piping or is this something that is strictly controlled, paid for, and watched over by Stone Town Capital? Hartman stated it is paid for by Stone Town Capital and we are responsible for maintaining it as well. Khalil stated the draining most of the time gets reviewed by the Plan Commission board and then that will be sent to Global Engineering so we can then send a report back. As this stands right now, this is just a Use Variance. Then the Developmental Standard Variance is based on the zoning that doesn't exist. Hartman stated I think we need to communicate a little bit more on what the Town of Burns Harbor is looking for because I thought I came in here fairly prepared on what I've been told before, and I was not. I don't want to keep coming back just to be told oh we need one more thing because I have been given no direction by the Town of Burns Harbor so I'm kind of just flying blind here. Khalil stated absolutely and I would be glad to do so. Your professional consultants need to follow the town code for the process. Hartman stated we are going to have to get the rezoning done before we even come back to this board. So, at this time I think that is our next step.

Old Business

None

New Business

Good of the Order and Other Business

Nothing to report.

Announcements

Nothing to report.

Adjourn

Meeks made a motion to adjourn at 6:21 p.m. Minier seconded the motion. Dunlap-Aye, Crecelius-Aye, Meeks-Aye, Minier-Aye, Poparad-Aye. Motion passed.

Approved January 28, 2025

Bernie Poparad, President

Jill Sherrill, Secretary