

**Burns Harbor Advisory Plan Commission  
Minutes of Monday, March 6, 2023**

The Advisory Plan Commission of the Town of Burns Harbor, Porter County, Indiana met in a regular session on Monday, March 6, 2022, in the Town Hall. The meeting was called to order by Advisory Plan Commission President, Jeremy McHargue at 7:00 pm.

The Pledge of Allegiance to the American Flag was recited.

Roll Call:

Jeremy McHargue .....	Present
Bernie Poparad.....	Present
Roseann Bozak .....	Present
Travis Dunlap .....	Present
Angella Scott .....	Absent
Nicole Migliorini .....	Present
Aaron Adcock .....	Present

**Additional Officials Present**

Attorney-Tyler Doane and Secretary-Michelle Watkins

**Also present**

Mr. & Mrs. Caleb Anthonijsz- 1140 Pin Oak Lane, Omid Shahab- Shahab Properties at 200 Fairchild Drive

**Minutes**

Bozak made a motion to approve the minutes of February 6, 2023. Migliorini seconded the motion. Poparad-Aye, Bozak-Aye, Dunlap-Aye, Migliorini-Aye, Adcock-Aye, McHargue-Aye, Scott-Absent. Motion passed.

**Communication, Bills, Expenditures**

*Town Code Updates*

Due to the Plan Commission meeting and Town Council meeting being so close the recommendation for Chapter 4 Building Code and Chapter 15 Zoning will be on the Town Council agenda for March 2023.

**Report of Officers, Committee, Staff**

Nothing to report.

**Old Business**

*Caleb Anthonijsz- 1140 Pin Oak Lane*

McHargue stated the question is everything that he is adding on is a driveway so it's not technically a private road so it doesn't apply, is that kind of the gist of it? Attorney Doane stated seems like there was some kind of back and forth of describing what's going to connect Trail Creek Phase I to Trail Creek Phase II, whether it is going to be a private roadway or private driveway. So, the private driveway that's referenced in Exhibit C in the bottom right corner, I think

is the requirements for the private roadway that actually connects Trail Creek Phase II to Trail Creek Phase I. So, the driveway that is on his actual lot would not be subject to those requirements. McHargue stated the one thing I know just from being here for so long, those stubs that actually come off those lots, they are already existing. The roadways where the curbs exist out there, those are public roadways up until that point. Pin Oak and Gustafson are originally part of Phase I. They are owned by the Town at this point. There's no reason, honestly, if your driveway meets Town Code it meets Town Code. Poparad asked what does the Town Code say it's supposed to be? McHargue stated driveway width, a maximum of 22 feet. McHargue asked Anthonijsz, did you have any communication with the Bill Arney? He is the Fire Chief. Anthonijsz stated I have not, Rob Wesley said he was going to call Bill Arney and take him out there to look at it. I think they did go out there we just never heard one way or another what was said. McHargue asked Anthonijsz are you just looking for a Certificate of Occupancy? Anthonijsz stated we have drywall right now, so they are mudding and then we have finishing things to do. I was trying to lock down a price for the driveway. We do want it to be paved, and such as life, everything is going up so we want to put a deposit down on it. The board discussed talking to the Fire Chief, Bill Arney to make sure a fire truck can get to the home and be able to explain to the homeowners' insurance company that the Fire Department can get their equipment to the home. Poparad stated when this was coming before the Board of Zoning Appeals and we were talking about it, we took a ride out there and I had talked to Bill Arney about it. I think as long as the driveway is paved and everything else. The only thing he said is he might have to trim some trees for them to get an aerial truck back in there and get it up. McHargue stated I think we are done. I think the issue was whether or not it was a private road or driveway. If it was a private road, it would have had to abide by that drawing. I think now that we understand that, I think at least we can make a decision without impacting you. The board decided Anthonijsz can pave his driveway as long as it is within Town Code.

### **New Business**

*Review: Bonds, Maintenance Guarantees, Letters of Credit*

Secretary Watkins said it can be noted that Shahab Properties for 209 Fairchild Drive will be taken off the bond spreadsheet now that the check has been returned.

*Omid Shahab- Shahab Properties*

*Permit Extension Application for 200 Fairchild Drive.*

McHargue said there is something that came up in Town Code that in order for an extension on the Building Permit, it has to come before the Plan Commission. We have your Extension Application, is there anything that you'd like to add, explain, or anything that you want to speak on? Shahab stated thank you so much for allowing me to come here. We had some financial problems, and what happened was I took the business, half of it, to Georgia the year before and then I got into an accident and then I could not complete the project. Then I had to reapply for the permit but I got this under control now. I would appreciate it to be given the opportunity to get back to our business. Bozak asked how much more time do you think that you need to finish the project? Shahab stated just 6 (six) more months or less that will be done. Bozak asked and you are ready to start work when we are ready to tell you you are good to go? Shahab stated I have been lined up for like a week ago and I kept the outside of the house clean, everything I could. Poparad stated just to make sure, what happens if he doesn't make the 6 months, what does he have to do? McHargue stated we are the only ones that can grant an extension to the Building Permit. The Building Commissioner per our Town Code does not have the authority to do that. Bozak stated he has on the permit July 17, 2023. McHargue asked Shahab is that still a pretty accurate date? Shahab answered yes, I just need a couple of months, I was almost done. McHargue stated I would like to see a condition that a Temporary Certificate of Occupancy not be issued because that would supersede the extension that we are granting. Shahab stated I want to get his done myself because this is the entrance to the subdivision. It has to look good; it

has to look nice. There are two more houses on each corner of the subdivision that I built and I want it to look both alike. I was even thinking about putting a fountain for the entrance of that. Bozak made a motion to approve the Permit Extension prohibiting obtaining a Temporary Certificate of Occupancy. Poparad seconded the motion. Dunlap-Aye, Migliorini-Aye, Adcock-Aye, Poparad-Aye, Bozak-Aye, McHargue-Aye, Scott-Absent. Motion passed.

Shahab stated as a builder, I'd be more than happy to follow the rules because it does set an example for everyone else out there. As far as the Town Officials, they work hard and I want to thank everyone. The Police, the Clerk, everybody, they are easy to understand and it is a good thing for us too.

### **Good of the Order and Any Other Business**

None

### **Announcements**

None

### **Adjournment**

Dunlap made a motion to adjourn at 7:19 p.m. Migliorini seconded the motion. Bozak-Aye, Dunlap-Aye, Migliorini-Aye, Adcock-Aye, Poparad-Aye, McHargue-Aye, Scott-Absent Motion passed.

### **Approve on May 1, 2023**

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Jeremy McHargue, President

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Michelle Watkins, Secretary