

3

STATE OF INDIANA)
2014 079875)
COUNTY OF LAKE)

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2014 DEC 16 AM 10:01

MICHAEL B. BROWN
RECORDER

CERTIFICATION OF SCHERERVILLE BOARD OF ZONING APPEALS

B.Z.A. CASE NO. 14-10-40
PETITIONER: Robert & Deanna Morgan
2848 Manchester Lane – Lot 7, Bristol Farms, Phase I
Appeal from Denial of Building and Zoning Application

TO: CLERK-TREASURER, TOWN OF SCHERERVILLE
AND TOWN COUNCIL, TOWN OF SCHERERVILLE
LAKE COUNTY, INDIANA

Pursuant to its regular and consistently applied procedures, the Board of Zoning Appeals of the Town, by its duly designated Representative, CERTIFIES and FILES the following Decision on Appeal from Denial of Administrative Decision regarding the above case.



[Signature]
WILLIAM JARVIS, Chairman

ATTEST:

[Signature]
MARTIN PLISKY, Secretary

[Signature]
NORMA HOLLINGSWORTH RICO, Recording Secretary

B.Z.A. CASE NO. 14-10-40

{File: 01389622.DOC}

A 15⁰⁰
cash
P

**SCHERERVILLE BOARD OF ZONING APPEAL
FINDINGS OF FACT AND DETERMINATION OF APPEAL FROM
ADMINISTRATIVE DECISION**

Petitioner(s): Robert & Deanna Morgan

Property Location: 2848 Manchester Lane – Lot 7, Bristol Farms, Phase I

Nature of Case: Appeal from Denial of Building and Zoning Application

FINDINGS OF FACT

After considering all evidence presented at the public hearing, the Board of Zoning Appeals makes the following determinations:

1. The Board finds that Petitioners are the owners of Lot 7 in the Bristol Farms, Phase I Addition to the Town of Schererville, which is commonly known as 2848 Manchester Lane (the “Property”).

2. The Board finds that that approval of the Plat of Subdivision for Bristol Farms Phase I in the Town of Schererville was conditioned on the inclusion of cement sidewalks and conditioned on compliance with Schererville Ordinances requiring that plats of subdivision include sidewalks of a minimum of five (5) feet in width for the use of pedestrians.

3. The Board finds that in the course of making improvements to the driveway on the Property, Petitioners removed a portion of the cement sidewalk abutting the Property and thereafter submitted a Building and Zoning Application (hereinafter, the “Application”), seeking a permit after-the-fact to install brick pavers in the place of a portion of the cement sidewalk (hereinafter, the “Pavers”).

4. The Board finds that the Town Manager denied the Application and that Petitioners have now appealed the Town Manager’s decision denying the Application.

5. The Board, with the power to reverse, affirm, or modify decisions of administrative officials and staff members, hereby REVERSES the Town Manager’s denial of the Application on the following conditions:

- a. Petitioners, on behalf of themselves and any subsequent owners of the Property, agree to maintain the Pavers in a reasonably safe condition, and agree to repair and maintain the Pavers at their own expense as and when needed in the opinion of the Code Enforcement Officer or other official of the Town of Schererville.
- b. Should Petitioners or any subsequent owner fail to maintain the Pavers in a reasonably safe condition, then, in the interest of the health, safety and general welfare of the public, the Code Enforcement Officer or other representative of the Town may, in his or her sole discretion, issue notice of an order to repair and may issue a citation for violations of Town Ordinances,

{File: 01389622.DOC}

if applicable. Upon receipt of such notice, Petitioners or subsequent owners shall perform the repairs or improvements to the sidewalk within the time period set forth in the order. If the repairs are not timely made, the Town may have the repairs made, with the entire cost of the repairs to be assessed against Petitioners or subsequent owner of the Property, along with any other applicable penalty.

- c. Petitioners must fulfill their responsibility for repair and maintenance of abutting sidewalks and driveways as required by Town Ordinances.
- d. Petitioners agree to repair and maintain the Pavers and Paver portion of the sidewalk as stated herein. Petitioners further affirm that the obligations set forth herein shall run with the land and are binding upon all subsequent owners of the Property. This decision will become effective upon Petitioners' recordation of these Findings with the office of the Lake County Recorder of Deeds in the chain of title for the Property.

DECISION


IT IS THEREFORE the decision of the Schererville Board of Zoning Appeals that the denial of Petitioners' Application is REVERSED on the conditions stated above. Upon Petitioners' compliance with the conditions stated herein, the Town Manager is directed to approve the Application and issue the requested permit. This written decision and findings are public records of the Town of Schererville and a copy hereof shall be filed in the Office of the Town Clerk-Treasurer.

VOTE: 5 (Yes) 0 (No)

APPROVED this 27th day of October, 2014.

SCHERERVILLE BOARD OF ZONING APPEALS

Property of
the Lake County Recorder!


William Jarvis, Chairman


Gregory Crowley, Vice Chairman


Martin Plisky, Secretary


Mike Goldasich


Robert Pharazyn

ATTEST:


Norma Hollingsworth Rico, Recording Secretary

{File: 01389622.DOC}