



**To:** Members of the Board of Zoning Appeals  
**From:** Tom Vander Woude, Planning Director  
**Date:** November 14, 2017  
**Re:** **Public Hearing** for BZA Docket 17-004 – Harry Koester of Mr. Fun LLC (Johnny's Tap), 8050 Calumet Avenue, requesting a special use permit for an open lot retail or service business in a C-1 business district in order to construct an outdoor dining area.

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**Applicant:** Mr. Fun LLC  
**Property Address:** 8050 Calumet Avenue  
**Current Zoning:** C-1 Highway-Oriented, General Business District  
**Adjacent Zoning:** North: C-1 Highway-Oriented, General Business District  
South: C-1 Highway-Oriented, General Business District  
East: C-1 Highway Commercial  
West: R-4 Apartment House District  
**Action Requested:** Favorable Recommendation for a Special Use Permit  
**Previous Hearings:** September 12, 2017 – Preliminary Hearing  
October 10, 2017 – Preliminary Hearing  
**Additional Actions Required:** Town Council Approval

### **Background**

Johnny's Tap, a tavern located at 8050 Calumet Avenue, was recently acquired by new owners Mr. Fun LLC. The owners are planning a number of upgrades to the property including interior remodeling, installation of a new fence at the rear of the property, new awnings, and construction of an outdoor dining patio to the front and north of the building, on a driveway on the property to the north. The property is located in a C-1 business district. Munster Zoning Ordinance Sec. 26-856 states that "An open front store and open lot retail or service business in a C-1 business district" requires a special use permit. Outdoor dining areas have historically been interpreted by the BZA as falling under this category.

The BZA held a preliminary hearing on this petition on September 12, 2017. During that meeting, the BZA instructed Mr. Koester to provide the following information:

- Detailed drawing of the patio area including dimensions
- Plat of survey
- Samples of the materials that will be used for the patio
- Details regarding the strategy to block the noise from the adjacent residential area
- Details regarding measures to ensure the safety of patrons
- A legal agreement between Mr. Fun LLC and the owner of the property at 8044 Calumet that permits the use of the property for a patio

Staff was asked for a crime report for the location. Staff has provided a call table from the Munster Police Department as an attachment. It should be noted that this includes all calls, including medical calls, traffic accidents, etc.

### **Process**

Sec. 26-853 of the Munster Municipal Code states that the BZA *shall hold a public hearing on all special use applications upon notice published and provided to landowners surrounding the proposed special use in accordance with the notice procedure of section 26-455. Thereafter, the special use application shall be forwarded to the town council with a recommendation of the board of zoning appeals that the application be granted, a recommendation that the application be denied, or no recommendation. The board of zoning appeals shall adopt written findings indicating the reasons for its recommendation.*

### **Analysis**

The petitioner has provided renderings of the proposed patio and a site plan, but has not provided the requested materials. Consequently, staff's ability to comment is limited. The following points are offered for discussion.

#### *Safety*

The plans indicate that the patio will be in front of Johnny's Tap, facing Calumet Avenue. In order to protect patrons from cars, the plans call for the installation of three 4" concrete bollards between the patio and the street.

#### *Access*

The sidewalk in front of Johnny's Tap should remain clear of any obstructions. The patio will be constructed on the area which is currently used as a driveway by the property to the north and is in fact not owned by Johnny's Tap. In exchange for closing off that driveway, Johnny's Tap has agreed to allow the patrons of Nat's Barbershop and Earthly Enchantments to access their rear parking through the rear of the Johnny's Tap parking lot. Mr. Koester has provided a lease for the use of the alley to the Town for review. Attorney David Wickland has determined that it is adequate.

#### *Additional materials*

At the time of the completion of this report, the petitioner has not provided the following items, which have been requested:

- A scaled and dimensioned drawing of the proposed patio
- A legible plat of survey
- Details of the strategy to block the noise from the adjacent residential area; fencing is shown on the drawing, but the height and type of fencing are not described

### **Special Use Criteria for Approval**

Sec. 26-854 of the Munster Municipal Code states that *No special use shall be granted by the board of zoning appeals unless the special use:*

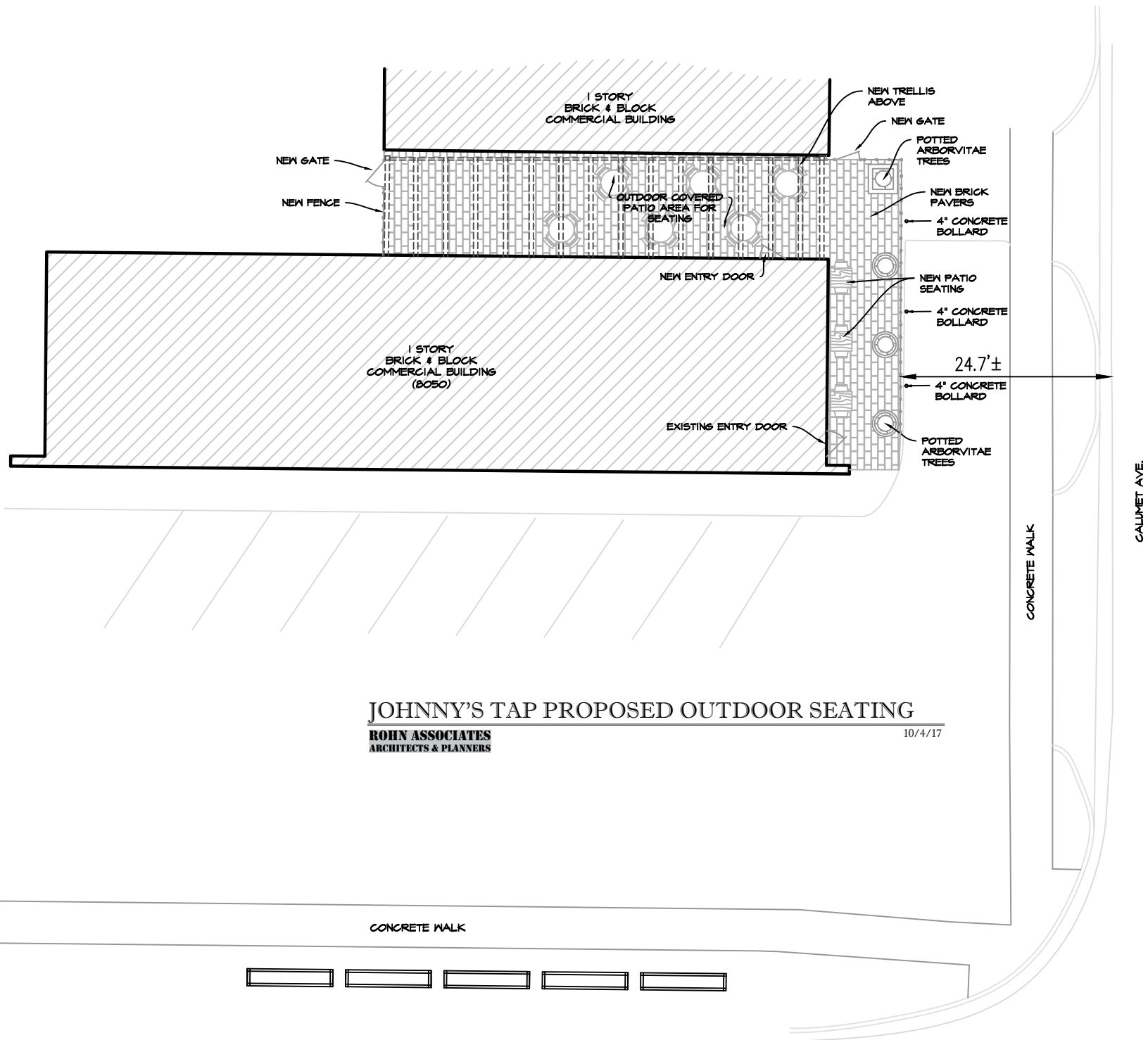
- (1) Is necessary for the public convenience at the location;*
- (2) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;*
- (3) Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located; and*
- (4) Except in the case of planned developments, conforms to the applicable regulations of the district in which it is to be located.*

### **Attachments**

1. Johnny's Tap Proposed Outdoor Seating drawing prepared by Rohn Associates dated 10.04.17
2. Renderings of Johnny's Tap patio
3. Johnny's Tap Fence Detail
4. Plat of Survey
5. Munster Police Department CAD Master Call Table printed September 13, 2017

### **Recommendation**

Staff recommends tabling the petition until the additional materials listed in the staff report are provided to the Board of Zoning Appeals for review.



## JOHNNY'S TAP PROPOSED OUTDOOR SEATING

**ROHN ASSOCIATES**  
ARCHITECTS & PLANNERS

10/4/17

## Johnny's Tap Proposed Patio Renderings



## Johnny's Tap Proposed Patio Renderings





## Riveted Steel Fence Systems

Guardsman® combines the traditional style and flexibility of riveted construction with modern technology to provide long-lasting beauty and security in a high-quality ornamental steel fence system.

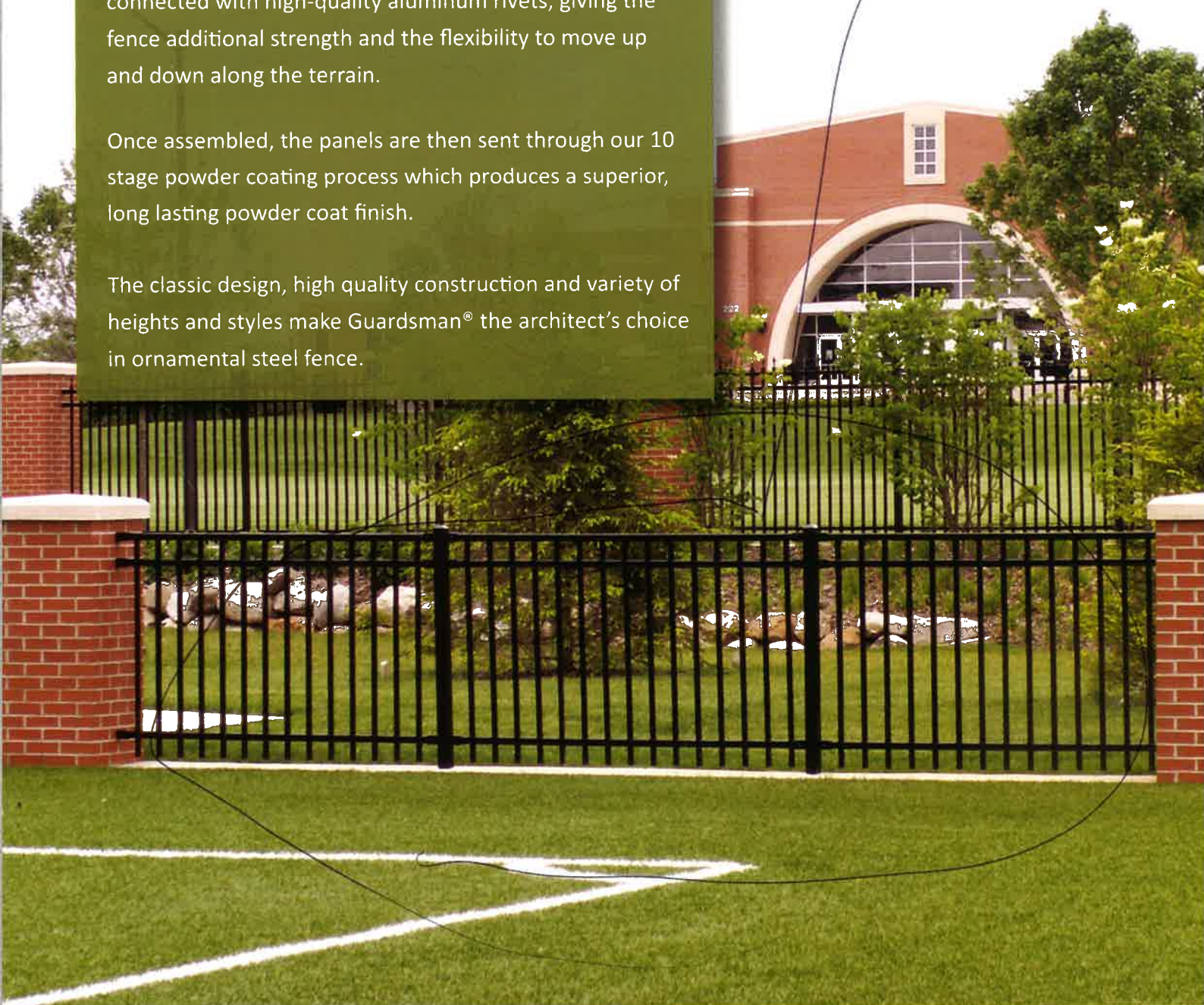
Every Guardsman® section is factory assembled by highly trained craftsmen. The process begins with pre-galvanized steel, which creates a powerful layer of protective coating. The pickets and rails are then connected with high-quality aluminum rivets, giving the fence additional strength and the flexibility to move up and down along the terrain.

Once assembled, the panels are then sent through our 10 stage powder coating process which produces a superior, long lasting powder coat finish.

The classic design, high quality construction and variety of heights and styles make Guardsman® the architect's choice in ornamental steel fence.

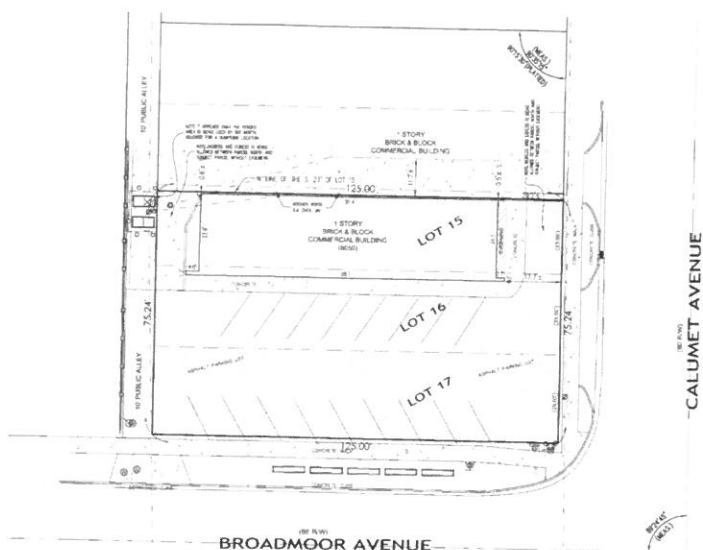


GALV. steel  
Powder Coated



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LEGAL DESCRIPTION: South 23 feet of Lot 15 and all of Lots 16 and 17, Calumet Ridge 2nd Addition to the Town of Munster as per plat thereof, recorded in Plat Book 20, Page 17, in the Office of the Recorder of Lake County, Indiana.



- LEGEND:**
- |   |                    |
|---|--------------------|
|  | POWER POLE         |
|  | TRAFFIC LIGHT POLE |
|  | WATER VALVE        |
|  | FIRE HYDRANT       |
|  | B-BOX              |
|  | TRAFFIC MAN-HOLE   |
|  | STEEL BOLLARD      |
|  | GAS VALVE          |
|  | CURB DRAIN         |
|  | OVERHEAD LINE      |
|  | MOBILE DUMPSTER    |
|  | PLANTER BOX        |

PROPOSED BUTLER  
PROPOSED LINDER

HEREBY CERTIFY TO THE PARTIES NAMED ABOVE THAT THE REAL ESTATE DESCRIBED HEREIN WAS INSPECTED UNDER MY SUPERVISION ON THE DATE INDICATED AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS REPORT CONFORMS WITH THE REQUIREMENTS CONTAINED IN SECTIONS 21 THROUGH 26 OF 803, AS 1-1-72 FOR A SURVEYOR LOCATION REPORT. THE ACCURACY OF ANY FLOOD HAZARD STATEMENT SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

DATE OF SURVEY: 1-24-2017

JOHN STUART ALLEN - Registered Land Surveyor No. LS29900011



Shealia Hayes

DATE 1-24-2001

### Surveyor Location Report

8050 CALUMET AVENUE  
MUNSTER, INDIANA

LOTS 15,16,17 CALLIPET RIDGE 2ND ADDITION TO MUNSTER, LAKE COUNTY

JOB NO: 17-0019  
SCALE: 1"=20'  
DRAWN: GES

7/Column1 Page 2nd Addition/wag/2012-0170 Reg. 4/12/2012 100315 AM C21

**TORRENGA SURVEYING, LLC**  
PROFESSIONAL LAND SURVEYORS  
907 RIDGE ROAD, MUNSTER, INDIANA 46321

Tel. No. (219) 836-8918

WEB SITE: [WWW.FORRENGA.COM](http://WWW.FORRENGA.COM)



09/13/17  
11:26

Munster Police Department  
CAD Master Call Table

5606  
Page: 1

CALLS W/ COMMENTS:

When Reported	Nature	Dispatcher	
02:39:15 03/16/2006	Unwanted Party	xSCHOON J	UNWANTED MALE SUBJECT
19:35:11 03/20/2006	H&R Accident	xSCHOON J	OFFENDING VEHICLE IS A RE
10:00:18 03/24/2006	Alarm	xARCHER S	FRONT DOOR & MOTION
09:47:33 04/19/2006	Alarm	xANDERSON T	INTERNAL MOTION AND FRONT
04:02:34 04/24/2006	Alarm	xSCHOON J	FRONT DOOR
08:04:45 05/14/2006	Alarm	xUZUBELL D	08:14:26 05/14/2006 - NEW
10:50:17 05/19/2006	Fraud	xUZUBELL D	
00:33:59 05/20/2006	Fight	xMOURATIDES S	
19:29:47 07/09/2006	Fight	PAYNE E	FIGHT INSIDE JOHNNY TAP,O
21:16:42 09/22/2006	H&R Accident	PAYNE E	COMP WAITING NEAR DOOR ON
19:57:53 11/01/2006	Medical	PAYNE E	76 female uncon/breathing
03:18:21 11/15/2006	Escort	xMOURATIDES S	EMPLOYEE ASKED TO BE ESCO
09:27:02 12/03/2006	Alarm	PAYNE E	INTERIOR MOTION 09:31:16
08:52:39 03/15/2007	911 HANGUP	xUZUBELL D	ON CALL BACK/NO ANSWER
20:57:37 04/24/2007	Suspicious Per.	GOOTEE C	w/m green shirt gry hair
23:23:36 05/19/2007	Unwanted Party	xUZUBELL D	M/W 6' WEARING A CUBS HAT
21:29:42 05/23/2007	Disabld Vehicle	xDELONG J	
21:24:54 06/15/2007	Unwanted Party	xUZUBELL D	REPORT OF AN INTOX MALE N
19:58:23 08/05/2007	Theft-Auto	GOOTEE C	S/B CALUMET - FORD 250 SI
02:31:45 09/23/2007	Intoxication	xMOURATIDES S	2 SUBJECTS ASKED TO LEAVE
22:18:19 09/29/2007	Threatening	xMOURATIDES S	shawn pizzuto and an unkn
03:13:57 11/24/2007	Unwanted Party	xMOURATIDES S	HOMELESS MAN LOCKED HIMSE
12:08:53 12/04/2007	PD Accident	xUZUBELL D	FORD TAURUS/HONDA PULLED
01:43:52 01/11/2008	Disturbance	TRULL O	DAVE FROM JOHNNYS TAP ADV
18:56:09 01/11/2008	Domestic Dist	PAYNE E	CALLBACK=(219)384-4927 LA
18:08:47 03/20/2008	Miscellaneous	xANDERSON T	beer delivery truck block
00:29:31 06/20/2008	Unwanted Party	GOOTEE K	CALLER ADVD PEOPLE ON THE
01:25:38 08/23/2008	Parking Problem	GOOTEE K	OLD PONTIAC 4 DOOR WHITE
22:38:47 08/31/2008	PD Accident	PAYNE E	NISSAN ALTIMA AND A SCION
16:45:55 09/12/2008	PD Accident	xUZUBELL D	SILVER CHRY & WHITE FORD
01:18:23 09/21/2008	Fight	GOOTEE C	FIGHT INSIDE SAID HE WAS
19:52:52 10/07/2008	Unwanted Party	TRULL O	19:53:38 10/07/2008 - TRU
09:53:13 11/03/2008	Alarm	xUZUBELL D	AREA FRT DOOR FEMALE
08:59:14 11/24/2008	Information	xARCHER S	DAMAGE IN PARKING LOT
23:20:44 01/11/2009	Medical	GOOTEE K	RESPOND WITH PROMPT FOR A
22:48:30 02/21/2009	Suspicious Veh.	GOOTEE K	SMALL PURPLE PICKUP TRUCK
11:19:51 04/09/2009	Theft from Veh.	xUZUBELL D	CALLERS ADV'D THAT 2 MALE
21:16:04 04/19/2009	Information	TRULL O	TRYING TO ESCORT SOMEONE
14:49:02 08/06/2009	Reckless Drivg	FLORES K	REPORT OF RECKLESS DRIVER
22:43:11 08/23/2009	Disturbance	TRULL O	22:45:35 08/23/2009 - TRU
03:48:12 10/21/2009	Miscellaneous	GOOTEE K	STANDBY WHILE EMPLOYEES L
03:17:23 10/30/2009	Escort	GOOTEE K	EMPLOYEE REQUESTING ESCOR
03:42:30 11/25/2009	Escort	GOOTEE K	STAND BY WHILE STAFF LEAV
20:34:53 01/02/2010	Fight	PAYNE E	2 SUBJECTS OUTISDE FIGHTI
01:59:07 01/16/2010	Information	BASALDUA N	02:00:01 01/16/2010 - BAS
22:32:18 01/31/2010	Unwanted Party	TRULL O	1. Is subject still ther
01:37:39 02/13/2010	Harassing TX	BASALDUA N	SEE DAVE REF- ASKED A PAT
02:42:44 02/27/2010	Traffic Offense	BASALDUA N	GRAY BMW
08:27:23 03/18/2010	Alarm	xANDERSON T	1. Alarm company name and
15:49:57 03/21/2010	Miscellaneous	xANDERSON T	OUT WITH VEH IN 864LCL IN
17:42:57 04/11/2010	Suspicious Veh.	GOOTEE K	
04:43:29 04/13/2010	Theft	GOOTEE K	1. In progress? NO 2.
04:49:40 05/03/2010	Alarm	BASALDUA N	1. Alarm company name and



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Munster Police Department  
CAD Master Call Table

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CALLS W/ COMMENTS:

When Reported	Nature	Dispatcher	
22:42:33 05/14/2010	Suspicious Per.	BASALDUA N	22:42:43 05/14/2010 - BAS
02:08:42 08/06/2010	Suspicious Per.	BASALDUA N	02:09:13 08/06/2010 - BAS
00:32:59 08/14/2010	Premise Check	xSIMS P	CHECKING ON PREMISE AND A
21:44:27 08/22/2010	Miscellaneous	GOOTEE K	
02:07:14 08/30/2010	Suspicious Per.	xSIMS P	SUSP MALE BLACK OUTSIDE-
03:18:58 09/07/2010	Escort	xSIMS P	FEMALE RQST ESCORT
04:53:08 09/21/2010	Alarm	BASALDUA N	general interior alarm. 0
17:07:10 10/30/2010	Suspicious Per.	GOOTEE K	
00:48:22 02/11/2011	Welfare Check	xSIMS P	CALLBACK=(219)256-0725 LA
01:50:05 03/17/2011	Disturbance	xSIMS P	MALE SUB INSIDE CAUSING A
18:28:57 04/27/2011	Theft	GOOTEE K	1. In progress? no 2.
00:37:16 06/10/2011	Information	BASALDUA N	00:38:53 06/10/2011 - BAS
21:09:00 06/12/2011	911 HANGUP	GOOTEE K	1. Resident or business
02:20:51 08/07/2011	Unwanted Party	GOOTEE K	
00:55:34 09/13/2011	Unwanted Party	BASALDUA N	00:57:23 09/13/2011 - BAS
18:35:06 11/21/2011	Theft	GOOTEE K	1. In progress? 2. Wh
15:47:51 12/25/2011	Found Property	MUDISP	1. What property was fou
02:13:33 02/29/2012	Unwanted Party	CORIE C	1. Is subject still ther
13:58:34 03/25/2012	Unwanted Party	TRULL O	SPEAK WITH DAVE , WHITE M
02:47:08 04/30/2012	Suspicious Veh.	BASALDUA N	02:48:14 04/30/2012 - BAS
19:56:13 05/13/2012	Unwanted Party	TRULL O	JASON LYNCH AND HEATHER G
17:52:56 05/20/2012	Fight	GOOTEE K	TWO SUBJECTS VERBALLY FIG
00:41:26 06/27/2012	Unwanted Party	BASALDUA N	00:41:52 06/27/2012 - BAS
01:47:02 07/06/2012	Information	BASALDUA N	CALLBACK=(219)742-5233 LA
11:17:13 07/23/2012	Suspicious Per.	PAYNE E	CHECKING ON MALE ..RELATE
00:14:30 07/27/2012	Suspicious Inc.	BASALDUA N	CALLBACK=(312)622-0601 LA
03:18:57 08/25/2012	Suspicious Inc.	CORIE C	MOUNTAIN BIKE LEFT IN THE
01:26:17 09/02/2012	Unwanted Party	BASALDUA N	01:29:54 09/02/2012 - BAS
00:06:41 10/30/2012	Information	BASALDUA N	00:09:43 10/30/2012 - BAS
18:18:51 02/03/2013	Unwanted Party	PAYNE E	FEMALE IN THE PARKING LOT
21:19:33 03/19/2013	Unwanted Party	BASALDUA N	21:21:28 03/19/2013 - BAS
00:10:54 07/03/2013	H&R Accident	PEREZ NA	00:15:54 07/03/2013 - PER
23:15:44 08/03/2013	FIRE Utility	WATT M	23:18:20 08/03/2013 - WAT
20:09:22 08/26/2013	Intoxication	PAYNE E	BLK MALE SUBJECT CAME INS
01:56:56 09/08/2013	Information	GOOTEE K	WHITE MALE WEARING BLK SH
14:28:23 09/18/2013	Unwanted Party	TRULL O	JOHNNYS TAP HAS ASKED SUB
02:35:08 09/19/2013	Public Intox	PEREZ NA	02:38:24 09/19/2013 - PER
18:18:15 11/02/2013	Disturbance	BASALDUA N	18:19:07 11/02/2013 - BAS
20:31:10 11/08/2013	Unwanted Party	BASALDUA N	20:32:30 11/08/2013 - BAS
17:34:56 01/27/2014	Unwanted Party	TRULL O	DAVE ADV THERE IS A SUBJE
14:14:33 02/14/2014	Unwanted Party	PAYNE E	WHITE MALE,TAN CARHART CO
01:17:17 02/23/2014	Unwanted Party	PEREZ NA	M/B EARLY 20'S SITTING AT
03:36:03 03/09/2014	Suspicious Veh.	GOOTEE K	TWO SUBJECTS HAVING SEX I
22:25:22 04/07/2014	DUI	BASALDUA N	
17:54:04 05/18/2014	Medical	GOOTEE K	
18:34:00 06/07/2014	Disturbance	BASALDUA N	18:37:49 06/07/2014 - Le
15:18:35 08/17/2014	PD Accident	BASALDUA N	NISSAN AND PONTIAC SB LAN
01:11:13 08/22/2014	Welfare Check	GOOTEE K	w/f in red dress down in
21:31:54 09/04/2014	Agency Assist	BASALDUA N	21:33:59 09/04/2014 - BAS
18:07:42 03/04/2015	Welfare Check	PEREZ NA	W/M LONG HAIR, JOGGING PA
02:31:28 03/10/2015	Lockout	GOOTEE K	WHITE VEH IN THE P LOT, R
13:43:01 04/16/2015	Suspicious Per.	CHALOS H	caller advised a intoxica
22:43:47 04/26/2015	Juvenile Prob	BASALDUA N	22:44:40 04/26/2015 - BAS

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11:26

Munster Police Department  
CAD Master Call Table

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CALLS W/ COMMENTS:

When Reported	Nature	Dispatcher	
12:57:35 05/23/2015	Suspicious Veh.	PEREZ NA	MOTORCYCLE THAT HAS BEEN
23:25:13 06/11/2015	Disturbance	GOOTEE K	w/f and w/m arguing in pa
16:24:06 09/12/2015	Lockout	GOOTEE K	2000 HONDA PRELUDE
13:33:21 09/14/2015	Traffic Stop	GOOTEE K	YELLOW CHEVY
23:28:54 09/20/2015	Suspicious Per.	PHILPOT PH	w/m approx 5-8 wearing
19:59:11 10/10/2015	Intoxication	GETTLER J	MALE IN BATHROOM INTOX'D
19:00:32 10/25/2015	Suspicious Per.	DELUNA AVILA NA	blk male wearing dark col
22:22:45 10/25/2015	Suspicious Per.	CHAVEZ J	BLK MALE, WEARING BLK JAC
21:17:01 08/19/2016	Traffic Stop	WRIGHT K	RED MITS
23:45:23 08/28/2016	Disturbance	Cox Shia	IRRATE BLACK FEMALE WAS B
23:09:22 08/29/2016	Animal Problem	ALDANA KE	small dog in a jeep grand
01:02:17 09/27/2016	Suspicious Inc.	GRIGSBY HEAT	JUST HEARD SOMEONE EITHER
17:39:18 10/17/2016	Intoxication	PETRUCH Am	male hispanic wearing a r
23:07:33 11/11/2016	Harassment	KAESER T	4 w/m harassing customers
22:54:46 11/27/2016	Suspicious Per.	BLAIR L	RP STATE W/M HAVE A GREEN
19:09:15 12/14/2016	EMS Fall	CARRILLO L	60 yr old male has fallen
16:54:20 12/17/2016	Traffic Stop	MINCHUK S	sil ford
01:18:27 04/11/2017	Warrant	WRIGHT B	dancer,jennifer a dob 03/
16:17:33 04/20/2017	Intoxication	ABRAMS H	BARTENDER PUT A WM IN A B
08:43:52 05/09/2017	Suspicious Inc.	FREEMAN W	white fem wearing red jac
01:25:51 06/22/2017	Crim Mischief	HERZOG Perry	whi jeep liberty, rear pa
01:39:35 07/13/2017	Warrant	TRIBBLE J	CALLER WANTS OFFICERS TO
13:57:42 09/02/2017	PD Accident	ADAMS TEV	RP STATED HER HUSBAND WAS

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