

MUNSTER BOARD OF ZONING APPEALS
MINUTES OF REGULAR BUSINESS MEETING
Meeting Date: September 10, 2024

The Board of Zoning Appeals meeting was held at Munster Town Hall, 1005 Ridge Road in the main meeting room and could be accessed remotely via Zoom Webinar, a video conference application.

Call to Order: Mr. Hemingway, Vice-Chair, called the meeting to order at 6:45 pm

Members in Attendance:

Brad Hemingway
Jennifer Johns
Sharon Mayer
Ed Pilawski

Members Absent:

Roland Raffin

Staff Present:

Sergio Mendoza, Planning Director
Jennifer Barclay, HWC Consultant
David Wickland, Attorney
Jonathan Petersen, Town Council Liaison
Denise Core, Administrative Assistant

Approval of Minutes: None

Preliminary Hearings:

Vice- Chair Hemingway introduced BZA 24-004 DEVELOPMENTAL STANDARDS VARIANCE: Dr. Mubart Mirjat for Maximum Rehabilitation Services is requesting a variance from Table 26-6.701.B. WALL SIGN-Standards-Description to install a wall sign along the drive aisle facade, north side of the building, located at 8220 Calumet Avenue, Suite B.

Director Mendoza stated Dr. Mirjat was not present at the last meeting and this matter was deferred; he is present today and ready to present his petition. He is asking for a side façade sign for his business, however, the sign would not be located over his entrance. He is asking to locate it near the Calumet Avenue corridor to have maximum visibility. Currently, his business has two tenants, one is a cheesesteak restaurant in the front, his business is in the back. He has a sign over the front door that he would like relocated. He has been working to bring the sign into compliance. Director Mendoza asked Ms. Barclay if she had anything more to add.

HWC Consultant, Ms. Barclay, stated the wall sign code Dr. Mirjat he is requesting a variance from is described on page 5 of the staff report. She added that there are two references in the code that address where signs can be placed.

Ms. Barclay concluded by referencing that staff report that includes the following information:

The applicant, Mubarak A. Mirjat, is seeking a variance to development standards to allow a 40-sf wall sign on a non-front façade and over another tenant’s façade. The property is accessed from Calumet Avenue. The tenant space is along the north façade, facing the parking lot. The entrance is also along the north façade, in approximately the middle of the building. The applicant is requesting signage along the north façade of the building. The building is located up to the sidewalk on Calumet Avenue with parking on the north side of building. The applicant is utilizing a door sign and small wall sign on the north

façade. This building was clearly constructed with one occupant in mind; however, the building is split into two tenant spaces today with a front and a rear tenant space. At the June 09, 2015, BZA meeting, a sign variance was granted to permit the sign currently located on the east façade. At that time, there was a sign along the north façade that has since been removed and would not be permitted today under current code. The applicant, Maximum, now wishes to install a 128.5 in. long x 52.8 in. tall x ?-in. deep over the Big City Cheesesteaks tenant space on the north façade.

The wall sign code specifies that the applicant is permitted a wall sign (one already exists) up to 1.5-sf per lineal ft. That one sign is permitted on 100% width of the façade but no further.

Tenant façade = 71-ft

Max Area of Wall Sign = 106.5-sf

In addition, according to 26.6.701 B.5.i., "Signs not owned by or leased to the operator of a business on a site are prohibited." The applicant is requesting a wall sign over a business space he does not lease.

Staff has requested clarification from the applicant as to whether the existing wall sign on north façade will remain in place and the dimensions of that sign if it is to remain. Staff also have concerns regarding the placement of a wall sign over another tenant's space.

Staff recommends the Board of Zoning Appeals may wish to consider a motion to send this case for a public hearing after the applicant has revised the application to include all variances needed.

Vice-Chair Hemingway asked if the petitioner would like to speak.

Dr. Mirjat, 8220 Calumet Avenue, stated his patients have trouble locating the office. He believed the sign would help this.

Member Mayer said she understands that Dr. Mirjat wants to locate this new sign closer to the corner. She asked what his plan is for the sign that is now on the north side of the building.

Dr. Mirjat stated they can take the sign down. It is only 2' X 2' and it is a huge façade so it cannot be seen.

Member Johns asked if there were any signs on the door.

Dr. Mirjat stated there was a sign on the door that could be removed when the new sign is installed.

Member Pilawski asked if the proposed sign complies with code.

Director Mendoza stated the structure and the height of the sign is compliant. He added that staff have received new information; staff would be reviewing that for compliance.

With no further comment, Vice-Chair Hemingway asked for a motion.

Member Mayer motioned to send BZA Docket No.24-004 to a Public Hearing

Member Pilawski seconded the motion

Vote: Yes – 4 No – 0 Abstain – 0. Motion passed.

Public Hearings:

Vice- Chair Hemingway introduced BZA24-008 DEVELOPMENTAL STANDARDS VARIANCE: Eric Stojkovich with Stojkovich, Inc and Chad Groen with Groen Landscape representing Steve Westerberg, residential property owner, are seeking two Developmental Standards Variances from TABLE 26-6.405.A-3 DISTRICT STANDARDS for LOT OCCUPATION and BUILDING STANDARDS to construct a 3,784 square feet (43' X 88') accessory structure 20 feet tall to enclose an existing sports court at 10125 Norwich Drive.

Director Mendoza stated the applicants came in several years ago to combine 4 lots into 1 lot. They developed a single-family home, an accessory dwelling unit, and a garage as well as some landscape amenities in the rear yard. One of the amenities is an exterior exposed sport court the applicant is seeking to enclose with an accessory structure. He is seeking a variance from the permitted square footage as well as from the height. The height limit is 16', the applicant is asking for 20'. The permitted square footage is 900 square feet, the applicant is asking for 3,784 square feet.

HWC Consultant Ms. Barclay stated since the last meeting, more detailed plans have been added to the packet. There is an angle to the roof, then it flattens out at 20'. It is different than the roofs you see in the neighborhood. They have changed the pitch and added some windows to try to make it look more residential in nature.

Ms. Barclay concluded by referencing that staff report that includes the following information:

The applicant is requesting a variance from Table 26-6.405.A-2 District Standards, Lot Occupation to construct a 4,050-sf (45'X90') accessory structure to enclose an existing sport court. The property located at 10125 Norwich is comprised of 4 neighborhood lots of West Lakes Addition Phase 4 that in 2020 was converted to a single lot in Westerberg Addition. The property houses the 6,700-sf primary house and attached garage. The yard consists of approximately 950-sf patio and pergolas, 7,700-sf putting green, and 3,500-sf sports court. The applicant desires for the existing sports court to be enclosed.

The applicant is requesting Developmental Standard Variance as follows:

- LOT COVERAGE: The combined area of all Accessory Structures shall not exceed the lesser of 30% of the rear yard or 900 square feet.
- ACCESSORY BUILDING HEIGHT: The lesser of 16 feet or the height of the Principal Building

Staff have concerns regarding the location of the building without a scaled site plan showing all improvements are outside of recorded easements identified near center of the property. Additionally, there should be written assurances the structure will not be rented/leased for commercial private events to the public or nonowner occupants, a prohibited use in this zoning district.

Staff recommends the Board of Zoning Appeals may consider the following motions:

Approval based on the following conditions:

1. Before the issuance of any permits, construction prints and a scaled site plan showing improvements existing and proposed location ensuring proposed building is outside easements.

2. The applicant must draft a deed restriction for review by the Town Attorney, to be recorded by the property owner, acknowledging the proposed accessory structure on the subject property shall be used in compliance with the zoning classification and shall not occupy the public or organizations for commercial or private events.

Vice-Chair Hemingway asked if the petitioner wished to speak.

Mr. Chad Groen from Groen Landscape, 1904 Hart Street, Dyer, Mr. Eric Stojkovich from Stojkovich Incorporated, 1000 Foy Court, Crown Point, and Mr. Steve Westerberg, 10125 Norwich, introduced themselves.

Mr. Stojkovich stated that a 15' tall ceiling is needed to play basketball. They propose a 16' ceiling with a steep pitch that flattens at 20'.

Member Mayer asked Mr. Westerberg to explain his hardship in needing this enclosed structure.

Mr. Westerberg stated this is not a need, it is a want, an ask. He added that there is no hardship.

Member Mayer stated that the Board of Zoning Appeals is governed by rules for granting variances, the owner must prove a hardship in the land.

Mr. Groen stated since the lot was merged into 4 lots, the hardship is that they are restricted on the square footage allowed for lot size.

Member Pilawski stated that this is a big building in a residential area. He added that he had read the letters from neighbors who don't want this structure built. He added that he could see their point; and he didn't see the hardship.

Member Johns stated that the petitioners had agreed on a 16' foot height for the structure in the last meeting.

Mr. Stojkovich stated that was true, but the added height was needed for the use.

Member Mayer stated the floorplan did not include mechanicals. She asked if there were plans to build other spaces inside the building.

Mr. Groen stated they could fit a mechanical closet in. He further stated there are no bathrooms, no water, and no plumbing planned.

With no further comments, Vice-Chair Hemingway opened the public hearing.

Ms. Ellen Naumoff, 10109 Whitehall Garden, stated she was attending with her husband, Nicholas, and some of the other neighbors. They live directly across the street from this proposed sports complex. The building would be their front view. They also wrote a letter that was submitted to the staff and the Board. Ms. Naumoff stated the building is quite large and would block their view of the neighborhood and the structure was larger than most homes so her view was now of a sports complex rather than homes. She stated the building is unattractive and will stigmatize their house, making it difficult to sell in the future. Ms. Naumoff continued by stating her concern over building materials being steel siding

which is an industrial rather than a residential look. Continuing that the shape of the building has an industrial look. The proposed structure will have little setback from the street and will not line up with the front setbacks of the other houses on the street. She concluded that there is no hardship and she and her husband asked the Board to deny the request for a variance.

Mr. Pushpinder Sran, 10100 Whitehall Garden, stated this property is next door. He stated his concern that this building would block his views and the sunlight. He added it would also decrease the value of their property. He concluded and asked the Board to deny this request.

Chad Groen stated this would not look like a pole barn, it will have façade similar to a house. He added that brick and siding had been proposed to replace the originally planned metal siding.

Mr. Mendoza acknowledged that staff received 3 letters regarding this petition. He stated two of the letters were referenced by the remonstrants. A third letter was from residents Pulikeshi and Akshata Torgal, 10105 Whitehall Garden, who also asked that the Board deny this request for a variance.

Copies of the letters are attached as EXHIBIT A.

When there were no further comments, Vice Chairman Hemingway closed the public hearing.

Member Mayer motioned to deny the variance requested in BZA Docket No. 24-008 since the petitioner was not able to prove factual difficulties or unnecessary hardships.

Member Mr. Pilawski seconded the motion.

Vote: Yes –4 No – 0 Abstain – 0. Motion denied.

Findings of Fact:

Vice-Chair Hemingway introduced BZA24-006 DEVELOPMENTAL STANDARDS VARIANCE: Nick Georgiou with Region Contractors received Conditional Approval for multiple Development Standards variances from Table 26-6.405. A -7, to include: Building Setback of an existing building, Building Composition, Building Material, Frontage Buildout, Entrances, Blank Walls, and Facade Openings for a 11,476 addition to the existing 4,918 SF building located at 620 Progress.

Mr. Mendoza stated the Finding of Fact includes the conditions as motioned at the 8/13/24 meeting of the Board of Zoning Appeals; it identifies the extension of the brick to 8' to match the existing structure, the addition of transom windows on the west façade, and the sidewalks waiver. He concluded that everything is in order for the Findings of Fact.

Member Mayer motioned to accept the Findings of Fact for BZA Docket No.24-006 as presented.

Member Pilawski seconded the motion.

Vote: Yes –4 No – 0 Abstain – 0. Motion carried.

Vice-Chair Hemingway introduced BZA24-007 USE VARIANCE: Nick Georgiou with Region Contractors request for a Use Variance from Table 26-6.405. A -7, to allow future Warehouse/Warehousing facility uses within a proposed 11,476 addition to and the existing 4,918 SF CD-4.B building at 620 Progress Avenue received a favorable recommendation to the Town Council.

Mr. Mendoza stated that the Finding of Fact includes the conditions imposed by the Board of Zoning Appeals. It identifies that there will be no parking of construction equipment on the premises, no exterior storage, unloading of trucks will be done on the drive aisle, not on the public right-of-way, and all tenants must obtain a business license which requires staff review to ensure compliance to parking requirements.

Member Mayer motioned to accept the Findings of Fact for BZA Docket No.24-007 as presented.
Member Pilawski seconded the motion.
Vote: Yes –4 No – 0 Abstain – 0. Motion carries.

Continued Discussion Items/Other Business: None

Next Meeting: Vice-Chair Hemingway announced the next regular business meeting will be held on October 8, 2024.

Adjournment:

Member Pilawski motioned to adjourn.
Member Mayer seconded the motion.
Vote: Yes –4 No – 0 Abstain – 0. Motion carries.

Meeting adjourned at 7:15 pm

Chairman Roland Raffin/Vice-Chair Brad Hemingway
Board of Zoning Appeals

Date of Approval

Executive Secretary Sergio Mendoza
Board of Zoning Appeals

Date of Approval

EXHIBIT A

Town of Munster
Board of Zoning Appeals
Petition No 24-008
Name of Petitioner: Mr. Steve Westerberg
Address 10125 Norwich Dr., Munster IN

Date: Sep. 9th 2024

received 9.10.24
1pm

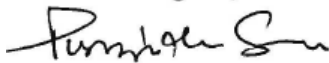
Affected Property
10100 Whitehall Gdn., Munster IN

Dear Board Members,

We are writing this letter to request deny construction of building sports court which will be square foot (43'x88') Accessory structure 20' tall to enclose an existing sports court.

1. Our house is next to the sports court mentioned in the petition. It will be directly affected by this structure. Building will block the sunlight to our rooms and our backyard and also will block the outside view.
2. We are a family of 6 members including 3 kids in our house which are going to be badly affected with this new construction.
3. Also according to the township code, variances should only be granted when the property owner has hardship or any other difficulties using their property for intended use. However, in this case we do not see any kind of issues for the use of existing property.
4. We are also concerned that sports complex will bring extra traffic and more noise to our quiet neighborhood.
5. This new sports complex will also decrease the value of our property since, it will nonresidential building next to our house.
6. Munster Township already provided beautiful park with 2 tennis courts, Volleyball, Basketball and Soccer grounds in West Lake Park which is within 1 mile of Petitioner's property.
7. There are already many exceptions granted to the Petitioner's property including house built in 4 lots, with garages exceeding the building codes etc.
8. We moved from Schaumburg IL to Munster Indiana for nice living and good school district. Munster
9. Appeal you to kindly deny this request for variance.

Thanks & Regards,


Pushpinder Sran


Poonamjit Sran

10100 Whitehall Gdn, Munster IN 46321

Town of Munster
Board of Zoning Appeals
Petition No 24-008
Name of Petitioner: Steve Westerberg
Address 10125 Norwich Dr., Munster IN

Date: Sep. 9th 2024

*Received 9-10-24
1pm*

Affected Property
10105 Whitehall Gdn., Munster IN

Dear Board Members,

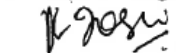
We are writing this letter to request deny construction of building sports court which will be square foot (43'x88') Accessory structure 20' tall to enclose an existing sports court.

1. Our house is across the sports court mentioned in the petition. It will be directly affected by this construction. Building will block the sunlight to our rooms and our front yard and also will block the outside view.
2. We are a family of 4 members with 2 kids in our house which are going to be badly affected with this new construction.
3. Also according to the township code, variances should only be granted when the property owner has hardship or any other difficulties using their property for intended use. However, in this case we do not see any kind of issues for the use of existing property.
4. We are also concerned that sports complex will bring extra traffic and more noise to our quiet neighborhood.
5. This new sports complex will also decrease the value of our property since, it will nonresidential building in front of our house.
6. Munster Township already provided beautiful park with 2 Tennis courts, Volleyball, Basketball and Soccer grounds in West Lake Park which is within 1 mile of Petitioner's property.
7. There are already many exceptions granted to the Petitioner's property including house built in 4 lots, with garages exceeding the building codes etc.
8. Appeal you to kindly deny and reject this request for variance.

Thanks & Regards,



Pulikeshi Torgal



Akshata Torgal

10105 Whitehall Gdn., Munster IN 46321

Town of Munster
Board of Zoning Appeals
Petition No. 24-008
Name of Petitioner - Steve Westerberg
Address - 10125 Norwich Dr.

received 9/9/24
office Drop off

Owners of Affected Property
Nicholas and Ellen Naumoff
10109 Whitehall Garden

September 7th, 2024

Dear Board Members,

We object to the variance and construction of the accessory building, aka. "sports complex" at 10125 Norwich Dr. We ask the request for variance be denied/disapproved, based on the following information;

1. According to Town Code, variances should only be granted when the property owner has hardship or practical difficulty using their property for intended use. We see no hardship or practical difficulty concerning the intended use of the property.
2. We live directly across the street from the intended "sports complex." This structure will stigmatize our home, and goes against the character of our single family residential neighborhood. The intended structure is quite large and will block our views. We will be forced to look at the 83' foot side of a building, rather than the front façade of a house as the lot was originally made for.
3. Also, we accepted building our home adjacent to railroad tracks, which already stigmatizes our home. We do not want another stigmatizing factor.
4. We are very concerned about the proposed, steel siding and the unsightliness of this material. It will make the building look industrial rather than residential.
5. We are concerned the "sports complex" will be used for team sports. This would bring too many vehicles to our quiet street.

6. The proposed "sports complex" not only exceeds code for accessory buildings in general, but also exceeds code for "set-back" from the street, and maximum height limitations.

7. Mr. Westerberg stated his property will increase property values in the neighborhood. That is wrong. I am a retired real estate broker. Our home value is based on homes similar to ours, within ¼ to ½ mile radius in the town of Munster. In my opinion, a "sports complex" directly across the street from us, decreases my property value due to the fact it will be unattractive and is not characteristic of the neighborhood.

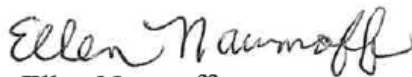
8. Mr. Westerberg has already been granted exceptions to build one home on 2 lots, adjacent accessory building-living quarters, a garage that exceeds building code limitations and 2 lots of sports activities. In our opinion, his property is not consistent with the characteristics of our quiet residential neighborhood and should have never been permitted.

9. Please consider our objection and deny/disapprove this request for variance.

Thank you,



Nicholas Naumoff



Ellen Naumoff

