**MUNSTER BOARD OF ZONING APPEALS**

MINUTES OF REGULAR BUSINESS MEETING

Meeting Date: August 13, 2024

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

**Call to Order:** Chairman Raffin called the meeting to order at 6:45 pm

**Pledge of Allegiance**

**Members in Attendance: Members Absent: Staff Present:**

Brad Hemingway Ed Pilawski Sergio Mendoza, Planning Director

Jennifer Johns Jennifer Barclay, HWC Consultant

Sharon Mayer David Wickland, Attorney

Roland Raffin Denise Core, Administrative Assistant

Jonathan Petersen, Town Council Liaison

**Approval of Minutes:**

**July 9, 2024, Draft Minutes**

**Motion:** Mr. Hemingway motioned to accept the July 9, 2024, minutes.

**Second:** Ms. Mayer

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

**Preliminary Hearings:**

**Chairman Raffin introduced agenda item BZA24-004 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.**

Ms. Barclay stated this property is located on Calumet Avenue; the petitioner was seeking to install an additional wall sign but the proposed wall sign would be on the north end of the building which faces the parking lot. The sign facing Calumet Avenue would remain as would a small wall sign outlined in green over the back tenant’s entrance door; there are also door signs. Ms. Barclay stated that in 2015, this was a single tenant space and a wall sign existed in approximately the area they are proposing now. She added that the proposed sign does not comply with the sign ordinance but the applicant had indicated to staff that he plans to comply with the code so the variance requested is for the location only. Ms. Barclay concluded by stating that the proposed sign would not be over the actual tenant space, it would be over the front tenant’s space. She stated that in two separate areas in the ordinance it is not permitted for a wall sign that is not placed over the its own tenant space so that placement is the most concerning issue for the Board to consider.

Chairman Raffin asked if the sign dimensions as shown in the staff report were to scale.

Director Mendoza stated the staff had advised the applicant that the sign plans he submitted on his application would not comply; he would either have to rework the plans or request another variance if he decided to move forward with the proposed sign. Director Mendoza concluded by stating the petitioner was also asking for a second sign on the side of the building.

Ms. Mayer asked what size sign would be allowed by code.

Director Mendoza said it is one and one-half times the frontage.

Chairman Raffin asked if there was anyone that wanted to speak on behalf of the petitioner. There was no response. Chairman Raffin Stated that the Board did not have sufficient information on the proposed sign to send this to a public hearing.

Director Mendoza stated that the Board could table this petition and defer it for a month until the applicant either complies with code or sends a new rendition with the approximate or acceptable sign size. He added that the applicant may need to apply for another Developmental Standards variance. Director Mendoza concluded that Code Enforcement staff asked him to share with the Board the fact that this site is currently in violation with a sidewalk sign and a movable sign on a vehicle wrap that is located where is should not be. He concluded that the property owner was notified of these violations, however, as this morning (8/13/24), he had not complied.

Chairman Raffin stated his recommendation would be to table this matter until a revised presentation could be provided for the Board to consider.

**Motion:** Ms. Mayer motioned to table BZA Docket No.24-004 until next month.

**Second:** Mr. Hemingway

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

**Chairman Raffin introduced agenda item BZA24-008 DEVELOPMENTAL STANDARDS VARIANCE: Eric Stojkovich with ES&F and Chad Groen with Groen Landscape representing Steve Westerberg, residential property owner, are 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 sports court at 10125 Norwich.**

Director Mendoza stated there is an existing sports court on this property which was originally four separate lots of record that had been combined into one. He said a sports court is permitted , however, the applicants now would like to enclose that sports court which would identify it as an accessory structure. He explained that the applicants were requesting a variance to exceed the permitted square footage to enclose the sports court. Mr. Mendoza concluded that the square footage may have been reduced slightly from the original proposal but that information had not been submitted in time to update the staff report.

HWC Consultant, Ms. Barclay, referenced the image on page 2 of the staff report that had the existing sports court outlined in red. She stated that the enclosed sports court would have a similar footprint but her biggest concern was in making certain that the building would stay outside a large easement that dissects their property She concluded that the applicants could meet most of the developmental standards but there was concern if a structure this large would fit in with that community character and work for the neighborhood overall.

Director Mendoza stated there were still a question on the height of the structure and whether another variance would be sought for a height. He concluded that the applicants had indicated they would comply with the maximum height in our code, which is 16 feet but this would need to be confirmed and documented.

Chairman Raffin asked if anyone wished to speak for the petitioners.

Mr. Eric Stojkovich of 214 Salisbury Drive introduced himself. He stated that the homeowner, Mr. Steve Westerberg, of 10125 Norwich and Chad Groen of Groen Landscape, 1904 Hart Street, Dyer were also in attendance. Mr. Stojkovich stated that the size of the structure was reduced due to the setbacks making it 3,800 square feet down from approximately 4,100. He concluded that they would go a little higher than 16 feet but he didn’t know if that would be allowed. He added if they can’t go higher than 16 feet, they would have to work with that.

Ms. Mayer asked if this structure was going to be heated.

Mr. Stojkovich stated that had discussed two gas fire units.

Ms. Mayer asked if the existing concrete pad that was poured for the sports court had a foundation wall going around it.

Mr. Groen stated they would add that structural perimeter.

Ms. Mayer asked how they would make that ridge line.

Mr. Stojkovich stated that it would probably be a truss roof.

Ms. Mayer asked how they would have trusses on a basketball court.

Mr. Stojkovich stated that it might either be a 2-tiered system with a roof above and a shallow ceiling below or the roof could act as the pitch for the internal cathedral ceiling.

Ms. Mayer asked if it would have rafters.

Mr. Stojkovich answered that it would.

Ms. Mayer asked if they planned to change the design to a Mansard style or would it reflect the style that is shown on page 16 of the staff report.

Mr. Stojkovich stated it would not be a straight gable like what is shown on the rendering, it would be flattened off; it would be a gambrel, with the pitch and then flatten.

Chairman Raffin asked if the building was on an easement.

Mr. Stojkovich stated it had been changed and was no longer on an easement.

Chairman Raffin asked if there was a homeowner’s association adding that it would be up to West Lakes to make sure the building meets the codes and covenants of that subdivision.

Ms. Mayer asked what material would be used, stating that their submission indicated that it could be either metal or LP siding above the brick. She added that with metal siding, it would look like a pole barn.

Ms. Johns stated that her biggest concern would be whether the neighbors would think the height is appropriate to the neighborhood.

Ms. Mayer stated that the applicants were asking for 23 feet in height but the code is 16 feet.

Director Mendoza stated the application that was filed was for a variance for the square footage, not for the height.

Ms. Mayer asked if the petitioners would be adding a separate variance request for the height.

Director Mendoza stated that if they requested a height variance, that would be included as part of the public hearing for next month. He added the variance before the Board was for the square footage of an accessory structure.

Mr. Stojkovich stated they were not requesting a height variance. He added that Mr. Westerberg, the homeowner, was fine at 16 feet.

Ms. Mayer stated that the petitioners should have drawings next month to reflect the exact dimensions of the proposed structure and the materials planned.

**Motion:** Ms. Mayer motioned to send BZA Docket No.24-008 to a public hearing next month, adding that they need to present drawings that reflect the exact dimensions at that time.

**Second:** Ms. Johns

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

Chairman Raffin said the petitioners should work with Director Mendoza and staff to make sure all Public Notice requirements are met for the public hearing next month.

**Public Hearings:**

**Chairman Raffin introduced agenda item BZA24-006 DEVELOPMENTAL STANDARDS VARIANCE: Christy Carson-Roter with Region Contractors is requesting 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.**

Director Mendoza stated the applicant is proposing an addition to an existing structure. The proposed variances are requested to extend or complement the existing structure.

HWC Consultant, Ms. Barclay, stated the petitioners wish to expand their footprint to the south with parking; they would need variances to make that happen. Referencing the floor plan on page 8 of the staff report, she stated they were adding four new units, each consisting of an open space and office. She added that each unit will have its own mechanical with the A/C units on the east side of the building. She stated they were adding parking; they have 88 parking spaces. She stated the dumpster would be to the south; they will have a dumpster enclosure to serve those units. She concluded by saying that the staff report details which variances would be needed to meet the standards. She said staff did not have a detailed lighting plan but the petitioners had indicated that they would meet code and they will need to add landscaping to the parking.

Chairman Raffin asked if there were any questions for staff. There were no questions. He asked if anyone would like to speak on behalf of the petitioner.

Nick Georgia of Region Contractors, 912 West Avenue H, Griffith, Indiana introduced himself and stated he was representing the owner 620 Progress, LLC. He stated that there were multiple variances submitted in this developmental variance, but all except two of those are associated with bringing the existing building into current conformance with the zoning code. He stated that the zoning code had changed since originally built in the business park. He said the variances requested are for the following:

1. Frontage, where the building is located too far in the front.
2. There is a solid front. The entrance isn't in the front.
3. The sign is on the side.
4. It has metal siding, which is now not allowed.

He stated that most of the variances were needed to bring the existing building into conformance with the current code. He added that two variances were identified which affect both the addition and the existing structure; one is to allow the metal siding on the existing building for the addition and they were asking to waive the requirement for a sidewalk on the street. Mr. Georgiou concluded by stating they have photometrics, landscaping, and more that had been addressed in the Plan Commission petition, which would follow this meeting.

Chairman Raffin stated that he would encourage the petitioners to extend and match the brick on the west elevation all the way around the building. He added that would keep it consistent and make it a softer industrial looking building in a neighborhood.

Mr. Georgiou stated that the base building had a brick wainscot that was approximately 8 foot high on the west façade; the remainder is not shown with brick. He concluded that he understood Mr. Raffin’s request to make the west elevation consistent by raising the brick on the west elevation and he believed their client would be amenable to that.

Ms. Mayer stated that there are no windows in the addition. She added that in buildings of this type, one would at least have light panels at the top of the wall or something to break up the industrial look of the building.

Georgiou stated that the code requires they have a door and or opening every 20 feet; that has been met with that requirement with doors instead of windows. He stated his belief that they meet the zoning ordinance for the spacing with doors and/or service doors. He stated that variance request was stricken from their initial variance request.

Mr. Georgiou stated there would be four individual signs that would meet the criteria for square footage; technically there would be four signs if there are four tenants plus the main tenant.

 Mr. Raffin stated the goal is to get sidewalks in every subdivision and every business corridor. He said he would add a condition that when the sidewalks go in adjacent to them, the owner would have to put in the sidewalks at that time.

Mr. Georgiou stated they would accept that condition.

Chairman Raffin stated that he hadn’t seen a landscaping plan, however, they have overgrown evergreens and arborvitae that are as tall as the building.

Mr. Raffin opened the Public Hearing at 7:15pm.

Halli Wexter of 616 Progress Avenue introduced herself. Ms. Wexter stated she owns the adjacent property which is not a Warehouse use property; their tenants are an indoor golf training facility which is a more retail style use. She stated she had a high level of concern with the existing and any additional semi traffic. She stated that existing semi-trucks sit on Progress making it dangerous for cars going back and forth. She asked how deliveries will be managed. She concluded by stating their major issues with the proposed Warehouse use were the semi-truck traffic and with protecting their property from damage.

Director Mendoza stated the Use Variance would be addressed in the next petition.

Mr. Raffin stated it was still a public hearing and asked if anyone else wanted to speak. There were no further comments. He closed the public hearing.

Mr. Georgiou stated the landscape plan was in the Plan Commission submittal adding that most of their landscaping is actually on the west side of the property. He stated he had calculated the parking numbers for a mix of office and warehouse in multiple scenarios, for 5 tenants with the main building and four tenants and for 1 tenant taking all 4 new units. He stated that 22 parking spaces would be needed for 3,500 square feet of office and the remaining would be for warehouse. Mr. Georgiou stated that a business may come in and park their van overnight but the owner landlord would not allow construction equipment or related debris on the property. He concluded that the landlord’s intention is to be respectful of the neighbors; they will curb it and landscape the site. He stated that they had discussed how semis trucks would back in off the street to unload at the unit then pull out the same way.

Chairman Raffin stated that trucks should not park on the street to unload and deliver materials from there.

Ms. Mayer stated her concerns with the with the appearance of the building and the elevations provided were not in keeping with the proposal. She added that they have blank walls and the petitioners have not addressed the issues of additional brick or transom glass on the west elevation. She asked Mr. Georgiou to clarify whether they were proposing brick to match the height of the existing brick but only on the west façade.

Mr. Georgiou stated aid that the west side is also their public and primary side. He stated they had proposed signage on the public entrance for the tenant’s visitors. He added that the south side is very close to the property line and Bowman Manufacturing is on the east side. He concluded that the owner might be willing to match the brick on the west side and add transom windows on the west side.

Mr. Georgiou described each Developmental Standard Variance they are seeking as follows:

**Table 26-6.405.A-7 District Standards**

* + Setbacks – Principal Building; Front Setback Required: 20-ft max.

**Proposed (Existing): 35-ft**

* + Building Standards Building Standards - Building Composition

Required: Each Principal Building must have an identifiable Base, Middle, & Cap.

**Proposed: Building Composition remain consistent with existing façade with base and cap.**

* + Building Standards Building Standards – Building Materials

Required: Prohibited: aluminum sidings, metal industrial type siding, vinyl siding, asphalt siding, and E.I.F.S (synthetic stucco), cedar shakes, concrete masonry units, or plywood siding.

**Proposed: The addition match the current façade materials which includes metal siding on top third.**

* + Building Standards Building Standards – Façade, Entrances

Required: Main Entrance must be in Facade of Principal Frontages. If shopfront Frontage at corner, Main Entrance may be at Principal Frontage or at corner. Main Entrance must be Entrances clearly distinguishable from other parts of the building through the use of architectural design, elements, and treatment, including its detail and relief and use of architectural elements such as lintels, pediments, pilasters, columns, and other elements appropriate to the architectural style and details of the building.

**Proposed: Front entrances will be along the side façade(west) for each tenant.**

 Ms. Mayer made a motion approve all that Mr. Georgiou had outlined, waiving the requirement for a sidewalk, adding a requirement for the brick wainscot to match the existing height, new brick will match the existing brick height at roughly 8 feet around the entire building, and transom windows would be added on the west facade. Ms. Mayer adjusted the motion, adding the condition that if sidewalks are built out on the adjacent properties, sidewalks will be built on this site and that condition should be recorded on the deed.

**Motion:** Ms. Mayer motioned to approve the variances requested in BZA Docket No. 24-006 with the following conditions:

1. New brick walls will match the existing height at approximately 8 feet high around the entire building
2. Transom windows are to be added to the west façade
3. The requirement for sidewalks is to be waived with a condition that sidewalks be installed when adjacent property sidewalks are installed. This condition is to be recorded on the deed

 **Second:** Ms. Johns

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

**Chairman Raffin introduced** **BZA24-007 USE VARIANCE: Christy Carson-Roter with Region Contractors is requesting 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.**

Director Mendoza stated that the property had previously been zoned manufacturing in 2019. In 2019, the zoning was changed to CD-4, prohibiting the use of warehouse and warehousing. He stated the applicant was looking to continue that use, they were requesting a use variance to allow future Warehouse/Warehouse Facility within the proposed addition. He asked if Ms. Barclay had anything to add.

Ms. Barclay stated that staff would base their decisions on any proposed uses in the definition section; there is also Warehouse Retail that was not included in the staff report. She added that any new tenants must receive approval of the business registration prior to occupying the space so staff would make those decisions based on what is permitted when a new business registers. Staff would look at their identified use and determine whether the parking meets the minimum standards based on the address. If any conditions were placed on it, the property would be identified as a use variance with conditions, and staff would review those conditions to make sure compliance is met. Ms. Barclay concluded by stating that Warehouse/Warehousing use is clearly defined in the Town code, it is indoor storage of goods, food and self-storage facilities.

Chairman Raffin stated that the future tenants were unknown at this time.

Mr. Georgiou stated they understand that the conditions of the approval, if it were granted, would be that each individual tenant is subject to town approval for the use. He stated that they are planning flex office space; the owner has 600 or 800 square feet of office for people to work.

Ms. Mayer asked Mr. Georgiou what type of businesses the petitioners are seeking as tenants.

Mr. Georgiou stated they would be suppliers, multi-tenant. He cited as an example an electrical contractor who would have electrical supplies and would need an office to bill from and have his workers check in and out. He added those are the spaces are in demand and that would be all they could support from a parking standpoint. He concluded by stating that parking is severely restricted and they cannot add more. He added what they expect in this light industrial park type space would be warehousing that is stock, with shelves and boxes; it might be for an electric shop or a tile contractor who would keep the stock and work out of the space.

Director Mendoza stated that when the Board makes a decision, conditions can be placed as well on the use variance concerning outdoor storage or equipment so the property will retain the proposed appearance and will also guide future tenants.

Chairman Raffin opened the Public Hearing at 7:44pm.

Victoria Odegaard of 585 Progress Avenue introduced herself. She stated she was with the Jewish Federation, they have a preschool at 585 Progress Avenue that is open from 9:00am to 1:00pm. She stated her concern with traffic around their facility since that they have approximately 60 or 70 families dropping off at around 9:00 am and picking up at 1:00 pm. Ms. Odegaard concluded by stating that semi-trucks parked the middle of the road disrupt that process.

When there were no further comments, Chairman Raffin closed the public hearing at 7:45pm.

Director Mendoza stated that a condition was recommended in the staff report to identify that the uses be maintained strictly for light industrial or industrial uses which are permitted for that use of parking.

Chairman Raffin asked how exterior storage and parking for equipment would be addressed if the property were zoned light industrial.

Director Mendoza stated that the current zoning is a CD4- B which is identified as a business park. He added that Warehousing is not permitted under that zone classification; that type of use and equipment would not be permitted. He concluded by stating that was the reason for the applicant’s request for a Use Variance.

Ms. Johns asked if the Use Variance were granted, regardless of the applicant’s intent or design, would semi-truck traffic on the property be allowed.

Ms. Mayer asked Director Mendoza to further clarify whether the Use Variance would allow the applicants to warehouse and have construction equipment on the property.

Director Mendoza stated that the variance for Warehouse/Warehousing would permit that.

**Motion:** Ms. Mayer motioned to recommend to the Town Council the approval of a Use Variance for BZA Docket No. 24-007 with the following conditions:

* There will be no parking of construction type equipment on the premises
* There will be no exterior storage
* The unloading of trucks will be done in the drive aisle, not from the street
* All tenants must obtain Town of Munster business licenses and a review by staff.

**Second:** Ms. Johns

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

**Findings of Fact:**

**Chairman Raffin introduced** **BZA24-003 DEVELOPMENTAL STANDARDS VARIANCE: Joy Brown representing Howard Weiss of the Fairmont Business Building received Variance approvals from the Town of Munster Zoning Code, Table 26-6.701(B) MONUMENT SIGNS, Specific Standards for quantity, area, height, and landscaping and from Section 26-6.701(B)(5)t. to extend an existing sign cabinet located at 9245 Calumet Avenue.**

**Motion:** Mr. Hemingway motioned to accept the Findings of Fact for BZA Docket No.24-003.

**Second:** Ms. Johns

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

**Continued Discussion Items/Other Business:** None

**Next Meeting:** Chairman Raffin announced the next regular business meeting will be held on September 10, 2024.

**Adjournment:**

**Motion:** Ms. Mayer motioned to adjourn.

**Second:** Ms. Johns

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

Meeting adjourned at 7:53 pm

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Chairman Roland Raffin Date of Approval

Board of Zoning Appeals

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Executive Secretary Sergio Mendoza Date of Approval

Board of Zoning Appeals