

MUNSTER BOARD OF ZONING APPEALS
MINUTES OF REGULAR BUSINESS MEETING
Meeting Date: November 12, 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: Chairman Raffin called the meeting to order at 6:49 pm

Members in Attendance:

Brad Hemingway, Vice Chairman
Jennifer Johns, Zoom
Ed Pilawski
Roland Raffin, Chairman
Jonathan Petersen, Town Council Liaison

Members Absent:

Sharon Mayer

Staff Present:

Jennifer Barclay, HWC Consultant
David Wickland, Town Attorney
Denise Core, Administrative Assistant

Chairman Raffin noted they have a quorum.

Approval of Minutes:

October 8, 2024, Minutes

Motion: Vice Chairman Hemingway motioned to accept the October 8, 2024, minutes.

Second: Board Member Pilawski

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

Preliminary Hearings:

Chairman Raffin introduced BZA Docket No.24-009 CONDITIONAL USE: Sukhwinder Singh Basra Owner of DP Petroleum, LLC requests a Conditional Use from Table 26-6.405.A-6 PRINCIPAL USE, Motor Vehicle- Related Uses Category for a Motor Vehicle Cleaning Facility (car wash) at the Marathon service station at 9451 Calumet Avenue.

Ms. Barclay stated she was told this was a previous application from some years ago that they are bringing back. It is an accessory structure that the petitioner would like to turn back into a Car Wash facility. She concluded that this would be Conditional Use at this location so they are coming to the Board of Zoning Appeals.

Chairman Raffin stated that could recall that this came before the Board several years ago. He asked what the final outcome was from that time, whether it was denied or tabled.

Ms. Barclay stated she could not speak with certainty but she thought, from conversations, that the application may have been dropped.

Chairman Raffin asked Attorney Wickland if we could check the history of that petition.

Mr. Wickland stated that he wished he could add something; he remembered some activity but was not sure of the details.

Chairman Raffin asked if there was anyone who would like to speak on behalf of the petitioner and, if so, to step up to the microphone and state your name and address for the public record.

Sukhwinder Basra, 9451 Calumet Avenue, introduced himself as the owner of the DP Petroleum. He stated one reason he came to apply to reopen the car wash is because since he took over the place, he has made a lot of changes. He said he has added 8 dispensers with (25) 7 1/2-inch screens, added more fuel options to the facility. He stated that he has a brand-new parking lot, painted the building, changed all the landscaping, and has been bringing it up to date. He concluded by saying he would like to see if he can reopen the car wash to improve his business and give more discounts to the customers.

Chairman Raffin thanked Mr. Basra. He asked how long he has owned the facility; he thought it was the Good Oil company at this location.

Mr. Basra said Good Oil is still on the property but he owns the business now; he took it over on April 1st, 2022.

Chairman Raffin said that at the last petition, improvements were discussed and consolidating some of the curb cuts on the property with the access points and the traffic on Calumet Avenue. He said this parcel has been developed over the years, the traffic flow and traffic counts have changed around the community. He concluded by saying he recalled there were some other issues; he would need to refresh his memory on the Board's past discussion and rulings and consider the Board's current focus.

Chairman Raffin asked if there were any questions for the petitioner at this time. He said this is a preliminary hearing and the Board will have a chance to vet this out prior to the public hearing and do our due diligence to see what the rationale was back then.

Motion: Board Member Johns motioned to set BZA Docket No. 24-009 to a Public Hearing.

Second: Vice Chairman Hemingway

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

Chairman Raffin advised the petitioner to work with staff to make sure they meet the Public Notice requirements.

Chairman Raffin introduced BZA Docket No. 24-010 DEVELOPMENTAL STANDARDS VARIANCE: Diana Garza of Doyle Signs is requesting variance(s) from SECTION 26-6.701(B) (5) t. to allow for an existing cabinet sign; TABLE 26-6. 701. B SIGN TYPES, MONUMENT SIGN, Dimensions and Additional Standards to replace the copy of an existing BMO Harris Bank monument sign; and from TABLE 26-6. 701. B SIGN TYPES, WALL SIGN, Dimensions and Additional Standards for one new BMO Bank wall sign at 915 Ridge Road.

Ms. Barclay stated that this is existing property and structures; the current monument sign is legal, nonconforming. She stated the petitioners would like to change the overall sign area. To do that, they need to bring all areas of the signs into compliance which is the reason for the variances requested for the monument sign. She said they are also taking the wall sign out of the pitch roof area and moving it to the other façade. She said they are eliminating some of the channel letters so it will just say BMO with their logo and placing it on the brick face on the front side. She said that wall sign has a clearance issue.

Wall signs are supposed to be so high up off the ground, and it would not be for that one. She concluded by stating that Staff needs clarification regarding the materials being used; vinyl would not be permitted so the petitioner needs to address the material planned to make sure all the notices are correct. She asked if there were any questions for her. There were none.

Chairman Raffin asked if there was anyone in attendance to speak on behalf of the petitioner.

John Streetz of Doyle Signs located at 232 West Interstate Road, Addison, Illinois introduced himself.

Chairman Raffin stated that they were asking for several variances, he asked Mr. Streetz why they were not bringing the monument sign into conformance.

Mr. Streetz stated that that BMO has some pretty rigid branding standards, however, they definitely do their best to accommodate local codes as best they can. He said in this particular situation, they feel that if they have to lower that down to the ground and accommodate all the setback and size requirements, it will be very difficult to find that location from that busy road that it's on, especially given their location and the minimal signage they will have if this is approved. He stated they are trying to minimize costs in order to update the signs and, if this variance is approved, there would be less signage than they have currently. He said they are basically trying to rebrand the site as just a BMO, to get rid of the Harris Bank reference, and to accommodate the colors and the logo standards and sizes that they have at all their locations nationwide. He concluded by stating the hardship is that the code is very rigid for this particular business in the Town and if this variance is approved, it will not be detrimental to the public. He said it will encourage safety because people will be able to see the site and turn in where they need to in a safe fashion, and the business can operate as usual in the city.

Chairman Raffin asked what the hardship was in not conforming to the ordinance.

Mr. Streetz answered that the hardship in this scenario is to the safety and visibility, particularly with the pole sign that is there. He said a lot of the properties in that area have pylon signs because of the nature of that road and the ingress and egress to that property. He stated that it improves the visibility and the safety element of patrons visiting those businesses.

Chairman Raffin said that branding isn't exclusive at all times. He added that when he goes to the McDonald's in Lake Forest, the branding doesn't look the same as it does here. He stated that they have a one little golden arch at their entrance; it is a monument sign, yet everyone in Lake Forest knows that it's a McDonald's.

Mr. Streetz said he couldn't speak about that particular location, but he could see Chairman Raffin's point. He stated that he is before the Board to try and argue for his client's standards. He said that if this variance is approved, it wouldn't set precedent for anyone in that area; it would be very particular to this site based on the traffic patterns.

Chairman Raffin said that is interesting because, directly after this petition, the Board has Taco Bell presenting a sign on Calumet Avenue which is another highly visible area with multiple vendors, Target and others. They are proposing another monument sign, the same kind situation as we have here, but the monument sign fits more within our current code and our current standards. He said the Town has a standard and that standard it set by ordinance; there is a level they are trying to hold those standards to throughout town to make sure that things are conforming.

Mr. Streetz stated there are issues with setback, height, and size of that sign for rebranding this site. He said the setback will set the sign into that drive (aisle); he said he didn't have that drawing to tell them what the existing setback is. He asked staff to go to the staff report page showing the setbacks.

Board Member Johns stated that the property line to the sign is close to 7 feet, 10 inches.

Mr. Streetz asked for confirmation that the setback requirement is 10 feet.

Ms. Barclay said she believes it is 10 feet without looking at the code.

Mr. Streetz stated that puts that sign into the driveway. Right now, it is located at 7 foot 10 from the property line to the signpost, that is to the post, not necessarily to the edge of the sign cabinet. So that means they would have to be another 2 feet 10 inches to the right of where that post is. He said from what he could tell from the staff report photo, that would put the sign into that parking lot area which he doesn't think is ideal either, for that drive. He concluded by saying that refacing the sign would be the most efficient and cost-effective way of rebranding the site, that all they are doing is taking off the Harris Bank lettering from the branding.

Board Member Pilawski said there seems to be more area on the west side of the sign. He doesn't know if the sign can be moved, that would be 10 feet.

Board Member Johns stated that these crossroads are opportunities to make things conform and fit within our current code. For better or worse, in rebranding, petitioners put themselves in the crosshairs of our aim to maintain and correct variances that did not present a hardship. Anytime a change is made to something, it is an opportunity for the Board to try and streamline things and bring them up to code.

Motion: Vice Chairman Hemingway motioned to set BZA Docket No. 24-010 to a Public Hearing on December 10, 2024.

Second: Board Member Pilawski

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

Chairman Raffin advised the petitioner to work with staff regarding all the public notice requirements that need to be met prior to the next meeting. Chairman Raffin said he would encourage them to bring a supplemental sign plan to show to the Board at the next meeting.

Mr. Streetz said he would definitely be presenting the comments made at this meeting to the client. He added that he has only so much influence with the client and thanked the Board.

Chairman Raffin introduced BZA Docket No. BZA24-011 DEVELOPMENTAL STANDARDS VARIANCE: Jeanne Armando of MRV Architects, Inc is requesting variance(s) from SECTION 26-6.701(B) (5) t. to allow for an existing cabinet sign; TABLE 26-6. 701. B SIGN TYPES, MONUMENT SIGN, Dimensions and Additional Standards to replace the copy of an existing Taco Bell monument sign; and from TABLE 26-6. 701. B SIGN TYPES, WALL SIGN, Dimensions and Additional Standards for three new Taco Bell wall signs at 7949 Calumet Avenue.

Ms. Barclay stated the Board may recall that this Taco Bell has gone through a rebranding and an update to the facility. She referenced page 3 of the staff report which shows highlighted areas of the signs under discussion. She said they currently have a monument sign is at the road, they have put landscaping in

but they would like to reface that sign so it is another update to a legal, non-conforming sign. She said the area, overall height, and letter height are not clear; they may need a variance. She said staff also needs to confirm some of the material. The wall signs on the north and side facades are the same; the other facade is a little bit bigger. She concluded by stating that they are updating their branding. The area of the overall height of the signs are out of compliance with the current code, and we have questions about the material itself. She asked if there were any questions for staff.

Chairman Raffin thanked Ms. Barclay. When there were no questions, he asked if there was someone here to speak on behalf of petitioner.

Jeanne Armando of MRV Architects, 5105 Tollview Drive in Rolling Meadows, Illinois, 60008, introduced herself. She stated that they are proposing more signage. She said currently the building has signage on the north and south but that is actually not allowed by the code; they are only allowed signage on the west where they currently have none. She stated they want to have signage on 3 sides of their building since it is a very visible corner. They are right at the entrance into the shopping center, so not only do they have visibility on Calumet Avenue, but they also have people coming into the shopping center. That is a kind of frontage; that is where their parking is. She said the drive-thru side on the north is an open area and also very visible. She added that, like BMO, they want the branding, they want as much signage as they can possibly get. They are asking for the typical Taco Bell signage that was presented. She stated that the lettering on the smaller signs is 12 inches tall. The lettering on the south side is going to be 14 inches tall, which is just a little bigger because it is on a bigger tower. The wall signage is going to be acrylic. She said she thought the bell might have some vinyl on it, but they are working with their signage vendor to see what they can do by way of possibly getting something else but that is how it is normally made, with vinyl. She concluded by stating that they are hoping to keep the monument sign base and reface it. She stated that it is a little bigger than what is standard by the code but they are just trying to get the new Taco Bell standard branding on there. The Taco Bell letters on the monument sign are 10 inches, and Drive-Thru letters are 5 inches tall.

Chairman Raffin asked if there were any questions for the petitioner. He said they are allowed 1 sign on the west and they want 3.

Ms. Armando stated that they want 3. She said if you look around in the neighborhood, Wendy's, which is right next to them, has the same condition; they have 3 signs on their building. If you go down the street to Panera, they have 3 signs; McDonald's has 3 signs. She stated that they are not asking for anything out of the ordinary.

Chairman Raffin pointed out that was from an old sign code.

Ms. Armando said she understands but they are looking for branding; people drive by on busy Calumet Avenue and they need to make that quick decision. She said people know that bell; when they see that bell, they know that it's Taco Bell. They can look for that bell and find it quickly as opposed to trying to read a sign.

Chairman Raffin said the ordinances are written because we want to make the town look cleaner and neater, and not have signs on every corner of every single building. That is the purpose of the sign ordinance. The Board gets a lot of requests and it's hard to prove a hardship. He added that, nowadays, his personal belief is, if he is looking for somewhere to eat, he is going to Google "restaurants near me"

and that is going to pop up 50 restaurants near me. His GPS is going to take him to that area instead of the site of the building.

Ms. Armando said it's true but, in that area, they are a lot of fast-food restaurants and they want to draw people to them. If people are just driving and trying to figure out what they want, they want them to see the bell.

Chairman Raffin asked if anyone has any questions. There were no questions.

Motion: Board Member Johns motioned to move BZA Docket No. 24-009 to a Public Hearing.

Second: Vice Chairman Hemingway

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

Chairman Raffin advised the petitioner to work with staff to make sure they meet the Public Notice requirements.

Public Hearings: None

Findings of Fact:

Chairman Raffin introduced the Findings of Fact for 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.

Motion: Vice Chairman Hemingway motioned to approve the modified Findings of Fact for BZA24-008.

Second: Board Member Johns

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

Chairman Raffin introduced the Findings of Fact for BZA24-004 DEVELOPMENTAL STANDARDS VARIANCE: Dr. Mubarak Mirjat for Maximum Rehabilitation Services received approval for 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 with the condition that the proposed sign be centered over the north entrance of the tenant's space located at 8220 Calumet Avenue, Suite B.

Motion: Board Member Pilawski motioned to approve the Findings of Fact for BZA24-004.

Second: Vice Chairman Hemingway

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

Continued Discussion Items/Other Business:

Chairman Raffin introduced Ordinance 1830, the policy by which members of Boards and Commissions may participate by electronic means of communication. He asked Mr. Wickland if he would like to give a full explanation.

Attorney Wickland said this is the means and methods for being able to participate in meetings electronically. This ordinance has been passed for a number of years, it is from the start of doing alternative hearings and it covers that in addition to the electronic communications potential.

Town Council Liaison, Mr. Petersen thanked staff for making this information available to the members.

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

Adjournment:

Motion: Board Member Pilawski motioned to adjourn.

Second: Vice Chairman Hemingway

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

Meeting adjourned at 7:34 pm.

Chairman Roland Raffin
Board of Zoning Appeals

Date of Approval

Executive Secretary Sergio Mendoza
Board of Zoning Appeals

Date of Approval