

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

The Board of Zoning Appeals meeting was held its regularly scheduled meeting on December 10, 2024, at Munster Town Hall, 1005 Ridge Road in the Main meeting room and also online via Zoom, a video conference application.

Call to Order: Chairman Raffin called the meeting to order at 6:56 pm

Members in Attendance:

Brad Hemingway, Vice Chairman
Sharon Mayer
Ed Pilawski
Roland Raffin, Chairman

Members Absent:

Jennifer Johns

Staff Present:

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

Jonathan Petersen, Town Council Liaison (Zoom & Phone)

Chairman Raffin noted they have a quorum.

Approval of Minutes:

Motion: Vice Chairman Hemingway motioned to accept the November 12, 2024, minutes.

Second: Board Member Pilawski

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

Preliminary Hearings: None

Public 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 summarized the petition by referencing the following, which is an excerpt from the staff report.

Good Oil Company Inc. is the owner of the property located at 9451 Calumet Avenue. The site contains two buildings: a Marathon gas station and convenience store with an attached automobile service center and a 965 square foot accessory building that was formerly used as a car wash, but most recently as an alignment bay for the automobile service center. The gas station and convenience store are operational, but the service center and accessory building have not been in use for over four years. The applicant is proposing to remove the vehicle lifts and other equipment from the accessory building and to reuse it as a car wash. The subject property received variances in 2013 from the parking lot fencing requirements, landscape, irrigation requirements, and internal landscaping requirements of the Munster Zoning Ordinance. The accessory building does not meet the minimum setback requirements of

the CD-4.A district. An application has been submitted for a variance which still must be obtained if conditional use is approved by the Town Council.

The Conditional Use criteria from Sec. 26-6.405.L.g of the Munster Municipal Code states that no conditional use shall be granted by the Board of Zoning Appeals unless the conditional use:

- i. It is in fact a Conditional Use ("CU") listed for the applicable Zoning District involved.
- ii. It will be harmonious with and in accordance with the general and specific intent, purposes and objectives of this Article as stated in Section 26-6.105 and the Town's Comprehensive Plan.
- iii. It will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the same area.
- iv. It will not be hazardous or disturbing to existing neighboring uses.
- v. It will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- vi. It will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community.
- vii. It will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- viii. It will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- ix. It will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

A car wash is classified as a Motor Vehicle Shop Maintenance / Repair / Service / Cleaning use in the Munster Zoning Ordinance, which Table 26-6.405.A-6 identifies as a Conditional Use in the CD-4.A district and therefore subject to the following additional criteria.

1. No Gasoline Station, Motor Vehicle Sales, Rental, or Leasing, Motor Vehicle Storage, Motor Vehicle, Motor Vehicle Body Shop, Maintenance, Repair, Service, or Cleaning, or other Motor Vehicle-Related Uses shall have an opening in any Wall less than 15 feet from any property or street line.
2. No Gasoline Station, Motor Vehicle Sales, Rental, or Leasing, Motor Vehicle Storage, Motor Vehicle, Motor Vehicle Body Shop, Maintenance, Repair, Service, or Cleaning, or other Motor Vehicle-Related Use shall have an entrance closer than 200 feet from a School, Library, Place of Worship, or other Place of Assembly, Civic Space, Civic Zone, Fire Station, or Restaurant, or closer than 1,200 feet from another Gasoline Station, Motor Vehicle Sale, and other Motor Vehicle-Related Use, except at intersections.
3. Whenever a Motor Vehicle-Related Use is Adjacent to a Residential District, a Screen at least five feet (5') in height shall be constructed and maintained along the full length of the sides of the Adjacent side of the Motor Vehicle-Related Use, and whenever lighting is used in connection with Motor Vehicle-Related Use, it shall be so designed that no glare is visible from any Adjacent CD-3, CD-3.R1, CD-3. R2, CD-3.R3, CD-4.R4, CD-4.A or CD-4.B Districts, any Civic Zone, or any public thoroughfare.

Staff finds that the proposed carwash use is listed as a Conditional Use and once was an

existing use with no known violations of SECTION 26-6.105 or objectives of the Town's Comprehensive Plan. The accessory structure has previously operated as an accessory use maintaining the same characteristics of the area around the existing neighborhood. The accessory use has been adequately served by public facilities and has access to public streets with no impact on a school or cause of public expense. At this time there is no known production of excessive traffic, noise, smoke, fumes, glare or odors and there is no evidence of loss, or damage of a natural, scenic, or historic features. In addition, staff finds the existing accessory structure previously used and proposed carwash use is less than 15 feet from any property or street line. Also, the Motor Vehicle Use entrance is not closer than 200 feet from a School, Library, Place of Worship, or other Place of Assembly, Civic Space, Civic Zone, Fire Station, or Restaurant. However, it is closer than 1,200 feet from a gasoline station, which is on the same lot. Finally, the Motor Vehicle-Related Use is not adjacent to a Residential District but it is within proximity of a residential district along the east property line and should this interest advance, staff would recommend the que area for the car wash be screened per TABLE 26-6.405.A-6 DISTRICT STANDARDS where Parking Lots and Parking Areas at Frontage in 1st or 2nd Lot Layer be screened by a 3'-3.5' Wall or Enhanced Hedge.

Ms. Barclay concluded by stating that the Board of Zoning Appeals may consider the following motion:
Forward to the Town Council a favorable recommendation for BZA 24-009 CONDITIONAL USE for a car wash at 9451 Calumet Avenue with the condition that the car wash be located in the existing accessory building as an accessory use and that an enhanced buffer screen be installed along the stacking area fronting the Residential District.

Chairman Raffin asked Ms. Barclay why staff had changed their opinion on this project since the last time it had been brought up.

Ms. Barclay stated her understanding of the current policy which is, whenever possible, we try to bring properties into compliance and this is something that would work by buffering that property with very little hardship on the owner.

Chairman Raffin asked why staff had not considered consolidating the curb cuts; there are 2 curb cuts right next to each other on Calumet Avenue, right by a main intersection.

Ms. Barclay stated that she was not sure what conversation happened at the Site Review.

Board Member Mayer asked Ms. Barclay to describe the buffer that is being recommended.

Ms. Barclay stated that, there is an existing neighborhood so landscaping would go there since it is less than 15 feet from the property line; as well as some of the parking area. A diagram is on page 12.

Chairman Raffin and Board Member Mayer asked for more detail on the drawings that would show what is existing and what is proposed. They asked for clarification on the motion recommended by staff, whether it was a wall or a hedge.

Ms. Barclay stated that the code calls for either a wall or a hedge; the Board could make their preference a condition of approval.

Chairman Raffin asked if anyone wished to speak on behalf of the petition.

Mr. Sukhwinder Basra of 9451 Calumet Avenue, Munster, introduced himself as the owner of DP Petroleum. He stated that he is leasing the property from Good Oil and is trying to reopen the car wash.

Chairman Raffin asked if Mr. Basra if he has the authority to speak on behalf of Good Oil, the landowner. Mr. Bahra answered that he has; he is operating the business and leasing the business from them.

Chairman Raffin asked Attorney Wickland what happens when this owner who is leasing the property currently decides to leave the business; would a Conditional Use leave with this tenant or would it remain with the property into perpetuity.

Attorney Wickland stated that would depend on the lease and what that lease provides as well as any conditions that the Board imposes.

Mr. Basra stated that he plans to stay a very long time. He said came in the year 2022, which was after the previous Good Oil petition and denial.

Board Member Mayer asked if, when he signed the lease, was he aware he could not open the car wash. Mr. Basra said he did know that. He stated that since he came, he has made many improvements there which has included some parking changes.

Board Member Mayer asked if there is a picture of the parking changes. Mr. Basra said he did not have drawing but he described the changes to the Board and confirmed for Board Member Mayer that the parking lot had been restriped but not for the stacking. That would be done properly later.

Board Member Mayer asked if all the lighting shown was operational. Mr. Basra confirmed that it is and they can add additional landscaping if needed to block the light from the residential area.

Chairman Raffin asked what they are using the repair garage for now.

Mr. Basra said nothing right now but he is working with Chester Inc., a construction company out of Valparaiso, to turn the entire building into a convenience store and will include a space for the public to sit and have a cup of coffee.

Chairman Raffin said it would have been a good idea to package the entire property as a development plan and include the store with the car wash.

Mr. Basra said they are doing it step by step but he could have plans made for it all if necessary.

Chairman Raffin asked about the 2 curb cuts, noting that the changes to the business will be increasing traffic on Calumet with possibly 2 people coming out onto Calumet at the same time, most businesses in the area have one on each side not right next to each other.

Mr. Basra said customers come in one, pump their gas, and leave through the other one. He said it would affect his business if they had to change the curb cuts since it is really a tight spot; people turning around would cause chaos.

Board Member Mayer stated that she recalled that the reason for the Town Council's denial of the original car wash petition was based on their displeasure with Good Oil's upkeep of the property.

Mr. Basra stated that he has made many improvements to the property and the building according to the code. Good Oil has invested in new pumps and believes in him so they are getting a long-term lease.

Chairman Raffin said he would like to see the lease terms as well as the master plan for the site.

Chairman Raffin opened the public hearing. He asked if anyone would like to speak. There were no comments. He closed the public hearing.

Chairman Raffin stated his recommendation that this petition be continued until next month. He wants Mr. Basra to meet with staff to nail down the exact details of the buffer zone, including drawings, to show the intent of the buffering of the car wash and its use from the neighbors. He would also like him to review the lease with staff to make sure the proper agreements are in place as they relate to the conditional. He concluded by stating that he would like to see the overall plan for the site including the car wash, the store and the traffic plan. He said Mr. Basra's contractor should have drawings and specifications that can be presented to the staff for review of the entire site including the expansion of the garage into a store. They would like to consider all of this at once and any parking changes that will be needed.

Motion: Board Member Mayer motioned to table BZA Docket No. 24-009, the petitioner should provide additional information and plans including the lease, sketches and drawings of the plan for the buffer and the car wash stacking, and information on the proposed change of use from the garage into a convenience store.

Second: Board Member Pilawski

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

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 the staff recommendation is to defer this petition since the Public Notice requirements have not been met.

Motion: Vice Chairman Hemingway motioned to defer BZA Docket No. 24-010.

Second: Board Member Mayer

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

Chairman Raffin introduced BZA Docket No. 24-011 DEVELOPMENTAL STANDARDS VARIANCE: Jeanne Armando of MRV Architects, Inc. for Daniel McGue of Shamrock TBC, Inc. for Taco Bell is requesting DEVELOPMENTAL STANDARDS VARIANCES from SECTION 26-6.701(B) (5) t.; also TABLE 26-6. 701. B SIGN TYPES, MONUMENT SIGN, and WALL SIGN; as well as TABLE 26-6. 405. Q. PRIVATE LIGHTING STANDARDS for a new parking lot light pole, new wall signs, and change of copy to an existing monument sign for Taco Bell at 7949 Calumet Avenue.

Ms. Barclay summarized the petition by referencing the following, which is an excerpt from the staff report.

7949 Calumet Avenue is part of the Calumet Munster Shopping Center Subdivision Lot 5. The lot houses a 1,940-sf Taco Bell with associated parking, drive-thru and dumpster enclosure. The building was constructed in 1992. Site signage includes a freestanding sign with a cabinet face and split face masonry block base and wall signs located on the north and south side of the building. At the September 10, 2024, Plan Commission the applicant received Development Plan approval for site reconfiguration as well as to resurface the exterior of the building to fit with new corporate brand standards. Improvements included:

1. The removal of the clay tile roof and building up the parapet walls to cover the roof top equipment.
2. New exterior finish of thin brick applied over the entire building.
3. New brand image signage will be installed at the entrance along Calumet Avenue; however, signage is not part of this approval.
4. The interior of the building will receive new finishes in the dining room and restrooms.
5. The kitchen will have some equipment relocated to achieve a better and more productive workflow.
6. The drive-thru is being reconfigured as well as parking to alleviate congestion. New drive-thru speaker, post entrance and clearance bar.
7. New directional signs were added to the site to help customers navigate to the drive-thru. The owner is requesting that signage be updated to match ongoing investment.

The variances requested are as follows:

a. Monument Sign:

The applicant is requesting to utilize an existing cabinet sign that is legal non-conforming. Since the proposed changes do not bring the sign into compliance with standards a variance must be received to bring the sign fully into compliance.

Section 26-6.701(B) (5) c. and t. Sign Standards General Sign Provisions

(c) The following materials are prohibited for Sign Backgrounds, Frames, Supports, and Ornamentation:

i. exposed metal poles and ii. smooth or split-faced concrete blocks

(t) Except as may be expressly permitted in this Article, Neon Signs, Cabinet Signs, and Projection Signs are not permitted.

Table 26-6.701(B) Monument Sign Specific Standards

Dimensions

1. Area (Max): 18-sf | *Proposed 32.76-sf*

2. Height (Max): 6-ft including base | *Proposed in excess of 6-ft*

3. Letter height (Max): 12-inches | *Proposed unknown*

Additional Standards

4. (d.) Materials: shall have a Sign face made of authentic brick, stone, or solid metal or wood, with lettering, logo or branding made of solid metal or channel lettering | *Proposed Sign face is polycarbonate with vinyl digital print.*

b. Wall Signs:

The applicant is requesting new wall signs on 3: one on the north façade (drive aisle), one on the south façade (drive aisle), and one on the west façade facing Calumet Avenue. Only the west façade sign is permitted per code along the primary façade of the building.

Table 26-6. 701. B Wall Sign Specific Standards

Dimensions

1. Quantity (Max): 1 per Façade – the building has 1 Façade (west) | *Proposed two (2) additional signs (north & south sides of the building)*
2. Area: 1.5-sf per linear ft of Façade or business Frontage (53-ft x 1.5) = 79.5-sf allowance for west wall sign *Proposed north and west sign area: 33.5-sf; Proposed south sign area: 45.3-sf ; Total sign area proposed: 112.3- sf*
3. Additional Standards, Sign Size, Overall Height (Max): 36-inches | *Proposed north and west wall sign height: 54.75-inches; Proposed south wall sign height: 64-inches*

Additional Standards

4. (d.) vinyl may not be used to create any design | *Proposed swinging bell, both 36-inches and 42-inches, purple logo signs – materials unknown*

Outstanding items for applicant to address:

- Material of the face/design on the 36-inches and 42-inches swinging bell, purple logo wall signs.

a. Lighting plan:

The applicant is requesting one lighting pole that exceeds the maximum height and that does not comply with the light head type. The maximum height is 20' and the applicant is proposing 22.5' and the proposed head type is Cobra which does not conform to the town Colonial, Coach, or Acorn, to match two pre-existing pole lights heights and head type.

Staff review finds that the additional lighting to match existing headlight type and height will be consistent with the overall development of the site. In addition, staff finds that the north and south wall signage may prove to be necessary to maintain consistency with historic wall sign location along the drive aisle. Staff review finds the same sign on the north wall is not necessary to maintain consistency with historic wall sign locations. Finally, staff supports the monument sign maintain its legal non-conformity so long the nonconformity is not further brought out of compliance and recommends all signs comply with the wall and monument sign standards material and bulk regulations.

Ms. Barclay concluded by stating that The Board of Zoning Appeals may consider the following motions:

- Motion to approve the light pole height and head type; motion to approve the monument sign with the condition that changeable copy complies with the sign material outlined in the character-based zoning code; motion to approve the north and south wall sign with the condition that they comply with the character-based zoning code; motion to deny the west wall sign for BZA 24-011, including all discussion and findings.

Chairman Raffin asked why staff is not recommending compliance to the sign code.

Ms. Barclay said he would need to ask Director Mendoza but she does not see the hardship.

Chairman Raffin asked if there was any to speak on behalf of the petitioner.

Jeanne Armando of MRV Architects, 5105 Tollview Drive in Rolling Meadows, Illinois, 60008, introduced herself and stated that the north and south side signs are not allowed by Munster code, signs are not allowed on the north and south sides. The sign on the west side is allowed but there is not one there currently.

Chairman Raffin asked why signs were put up that are not compliant.

Ms. Armando stated that the signs on the north and south signs existed, they were there prior to the before the renovation. Chairman Raffin stated that they were legal, non-conforming then. Board Member Mayer asked if they had been removed and put back up. Ms. Armando explained that they had to be removed from the building for the renovation and the work on the parapet. She said they are standard non-conforming. They were allowed by staff to put them back up as is but they would like to reface them.

Chairman Raffin asked Ms. Armando to explain the other variances.

Ms. Armando said the there is a new site light that has been added to the north parking lot side. She said there were no lights on that side and it was very, very dark and it can be confusing. They have done their best to help alleviate the confusion through the parking light with navigation and signs. They reconfigured the drive-through lane and put in some curbs so people would not enter that way. The only way into the drive-through lane now is by coming from the north and around the building. They need a light there since it is very hard to see. There is parking on both the north and south sides of the building, if patrons park on the north side, they have to cross the drive-through lane so that new light is needed for safety reasons. She stated that the monument sign exists, they would like to reface it in the same location and in the same size.

Chairman Raffin asked Ms. Armando what the hardship is, what prevents them from complying with the code.

Ms. Armando said part of it is the material for the new signage, it is not brand standard. She said she has never seen a Taco Bell sign, or anything on Calumet Avenue, that has stone or brick per code. She said it is also cost prohibitive; they did an extensive remodel, they put a lot of money in that remodel and Taco Bell has been in the community for a long time. She concluded by saying that they are trying to minimize some of the costs. They had some extra costs with additional landscaping and other measures needed to comply in other areas. There was a lot added to the remodeling so they were hoping to keep the signage that they had and keep the monument that they have and put a new face on them.

Chairman Raffin said he was looking at some pictures of Taco Bell restaurants in Hinsdale and Lake Forest and he sees only sign on them. He added that they also appear to have architectural standards that are higher than ours. He stated that this is a highly visible entrance to our town and it should look nice.

Board Member Mayer pointed out that they never had a sign on the west elevation; they want to keep the sign on the north and south sides and now they want to add a sign on the west.

Ms. Armando said the sign code only allows a sign on the west side, that is on the front of the building facing the (west) frontage. She said they are on a corner and at the entrance to the shopping center, which is at the south of their building and another frontage road. The north side faces another entrance.

They want as much signage as allowed. In answer to questions by Board Member Mayer and Chairman Raffin on what they would do if denied the variances, she said she would have to confer with the client but she assumed that they would have to put a sign on the west since that is the town code.

Chairman Raffin said his preference is for compliance with the code which the town put a lot of time and effort into, and what represents the image they have of the town. He cited examples of businesses that have complied with the code and the understated image they present.

Chairman Raffin opened the public hearing. There were no public comments. Chairman Raffin closed the public hearing.

Board Member Mayer made a motion to approve the monument sign as requested, deny the sign on the west elevation, and approve the light head, light pole change as presented. Raffin asked Board Member Mayer if her motion would include making sure the copy on the legal, non-conforming Taco Bell monument sign meets our standards for all copy and materials. Board Member Mayer said it would. Raffin said that means they cannot put a **lexon** piece or bright lights in there; it has to meet the standards for what goes inside a sign cabinet regarding copy, lettering, and materials.

Ms. Armando confirmed that they can use the existing cabinet sign as long as they comply with the code within.

Chairman Raffin said the motion was to not approve the west sign, to approve the monument sign based on meeting all current sign standards inside that existing cabinet and to approve the lighting standards that would meet with the current standards of our lighting ordinance for the 3 poles.

Board Member Mayer said there is a variance on the table for the light head since it will not meet our standard.

Chairman Raffin said the variance was for granting the 3rd pole because they did not have a 3rd pole, the light head has to meet our lighting standard. Board Member Mayer said okay.

Ms. Armando asked for clarification. She stated there will be no sign on the west but asked if they can they replace the signs on the north and south sides since those are old signs. Chairman Raffin stated they can replace the north and south signs as long as they meet the sign standards without getting a variance; they have to meet the copy, the length, the height, and the materials.

Motion: Board Member Mayer made the following motions on BZA Docket No. 24-011:

1. Approve the monument sign variance for the monument cabinet. The sign standards must be adhered to within the cabinet in all regards to specifically include copy, lettering, size, materials, and lighting standards.
2. Deny the west frontage wall sign. The north and south side signs can remain. The north and south side signs can be replaced according to our current sign standards with respect to copy, lettering, size, and materials.
3. Approve the 3rd light pole; the light head must comply with our lighting standards.

Second: Board Member Pilawski

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

Chairman Raffin asked Ms. Armando to work with staff to make sure all requirements are met.

Next Meeting: Chairman Raffin announced the next regular business meeting will be held on January 14, 2024.

Adjournment:

Motion: Board Member Mayer motioned to adjourn.

Second: Board Member Pilawski

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

Meeting adjourned at 7:45 pm.

Chairman Roland Raffin
Board of Zoning Appeals

Date of Approval

Executive Secretary Sergio Mendoza
Board of Zoning Appeals

Date of Approval

DRAFT