

The MUNSTER BOARD OF ZONING APPEALS
MINUTES OF REGULAR BUSINESS MEETING
Meeting Date: March 14, 2023

The announced meeting location was Munster Town Hall and could be accessed remotely via Zoom, a video conference application.

Call to Order: 6:45 pm

Pledge of Allegiance

Members in Attendance:

Daniel Buksa
Sharon Mayer
Roland Raffin

Members Absent:

Brian Specht
Brad Hemingway

Staff Present:

Tom Vander Woude, Planning Director
Dave Wickland, Attorney

Mr. Buksa noted that the Board has a quorum, but action requires all three members present to vote the same.

Approval of Minutes:

Ms. Mayer requested a correction to the minutes. On page 4, 8 lines from the bottom, the word "size" should replace the word "sign". The phrase should be "... reduce the size of the signs...".

Motion: Ms. Mayer moved to approve the February 14, 2023, regular meeting minutes as amended.

Second: Mr. Raffin

Vote: Yes – 3 No – 0 Abstain – 0. Motion carries

Preliminary Hearings: None

Public Hearings:

- a. BZA 22-010 Community Foundation of Northwest Indiana requesting approval of multiple variances from the Munster zoning ordinance in order to construct an immediate care medical building at 730 Treadway Drive (formerly 10240 Calumet Avenue).**

Mr. Vander Woude said this is a continued public hearing; the presentation has been heard by the Board two times. The applicant appeared before the Board with the proposal for a comprehensive sign plan for the 30,000 square foot Immediate Care facility building currently under construction at 730 Treadway Drive. At the previous meeting, the Board reviewed the proposed sign package and tabled the petition. They asked the applicant to try to comply more closely to the standards of the zoning ordinance. The package submitted tonight still requires 21 variances from the sign standards. They propose the installation of two signs on both the northeast and the south sides of the building. There is a logo sign in the center of the building and a channel letter "Immediate Care" sign on the side of the building. There are similar signs proposed on the north, east, and south sides. They are proposing a monument sign at the street along Treadway Drive. Starting with the wall signs, the first standard that they are requesting relief from is quantity of signs. Town ordinance permits a maximum of one sign on the facade of the

building. The definition of facade in our zoning ordinance is the street facing elevation. That would permit a single sign on the north side of the building facing Treadway Drive. They are proposing not only signs on the east and south elevations, both of those signs would require a variance, but they are proposing two signs on each of those sides, which requires a number of variances. They are also proposing a second sign on that street facing elevation. The second standard from which they are requesting relief is for the materials of the signs. Town ordinance requires either channel letters, flat cut acrylic, PVC, metal, wood or like material; or routed etched wood or like material; or static neon signs. They are proposing three logo signs which are described as internally illuminated flex face with translucent vinyl graphics which are not permitted sign materials. The third standard for which they are seeking relief is from the letter height of the individual letters on those signs. For a building that is less than 100 feet from the street, the maximum height of a logo or letter is 24 inches for a channel letter type sign, and the maximum height for a non-channel letter sign is 36 inches. They are proposing Community logo signs of 72 inches tall for two of them and 48 inches tall for the third one. They are exceeding the maximum letter height for a sign. The next standard they are seeking relief from is the overall height of the sign. Town ordinance permits individual letters to be a certain height, 24 inches, but the overall sign, which could be a combination of different letters arranged in a different manner, the maximum height for this building would be 36 inches if it were an internally illuminated text sign. If it is not Internally illuminated, they could have a sign as large as 48 inches tall. The next standard they are seeking relief from is the additional standards section which states that all signs should be installed on the first story facade and not project vertically above the roof line. They are proposing three Community logo signs on the second story. Under additional standards, there is also a prohibition on the use of vinyl to create any design. This is intended to prevent large light box type signs. The monument sign that is being proposed is 4 foot tall by 6 foot wide, all brick with a stone cap and what appears to be a non-illuminated brushed aluminum lettering and logos. The only variance being requested for the monument sign is from the maximum letters and logo height. They are proposing a 1 foot, 5 inch logo where our ordinance permits only 12 inch letters and logos. He noted an error on the staff report which he noticed today. Under the discussion section it says to comply with Munster zoning code, the applicant could amend their signed plans as follows. The last two bullet points, one to reduce the size of the monument sign to 18 square feet and the other to redesign the monument sign with the solid material rather than a cabinet are not applicable in this case because they comply with those. Mr. Buksa noted that as documented in the minutes and from his recollection the public hearing was opened and closed with no remonstrances at last month's meeting. Mr. Vander Woude said there was a remonstrant participating via Zoom and he is in attendance again this evening.

Mr. Buksa reopened the public hearing.

Michael Goepfert from 10380 Oxford Place thanked the Board for opening up the meeting again. Since the design did change, he said he appreciates the opportunity to speak again. He said they are less out of compliance but they are still out of compliance. Just to support the decision we made to have these sign ordinances, he has been to communities that have similar sign ordinances, and it is fantastic. He doesn't live in those communities, but all the places he was looking to find, he had no trouble getting to them. They weren't clearly marked but he still found where he was going. It was fantastic, it was not a billboard driving down the main thoroughfare. It was not just a big billboard here, a billboard there, billboard everywhere. It is just a great ordinance, let's stick to it. He said they are asking for variances and from what he has read, the variances have to indicate a hardship. This is a brand new building, what

is the hardship. He said he knows the Board has approved some signage requests for other places but there were factors that prohibited them from complying. This is a brand new building they could totally adhere here to every single part of this. This is what we wanted for our community. They want to be in our community, let's have them be a part of it in a way we were looking for. They stressed last month that they wanted to have continuity throughout the development and that the other signs are different. They were different, they didn't have the same sign ordinance to deal with. He said he is all for the continuity, let's do the continuity go back and change those other buildings to comply with the sign codes that we have in place today. Then we will have even better signage in those older buildings.

There were no additional comments. Mr. Buksa reclosed the public hearing.

Dave Otte, petitioner with Community Foundation of Northwest Indiana from 15014 W 153rd, Cedar Lake, said they did make significance changes to the signs. On the monument sign, they removed the entire box that was above it and reduced the height of it. They made it all out of masonry. For the building signs, they dropped the Immediate Care sign, which was up on the second floor, to the first floor. They reduced the size of all the birdhouse signs, they are getting small in proportion with the building. He said is difficult because this is in an area where you've got Cardiology Associates, a CDC building, and Fitness Point, which were all done under the old sign requirements. He asked if they should have to change the signage on three buildings for one new building. He thinks there should be some leeway, that all the signs fit together. It is a neighborhood and they should all look similar. They are trying to fit into the neighborhood, to make it all congruent and nice. He said another difficult thing is that the building is wide out in the open, there is basically a front on three sides of the building. The main front sits on Treadway, there is also a big front on Calumet Avenue and the south elevation is easily seen when you're going north on Calumet Avenue. It's a beautiful building and they were trying to keep the standard way up in Munster. Mr. Raffin said, to give it a little perspective, the monument sign is only 6 foot by 5 foot, 6 inches. Mr. Otte said it has really been reduced, it was quite a bit bigger. Mr. Raffin said he is 6 foot, one inch tall. If he stood with his hands out, that is how big this sign is. It is not a very big sign in his opinion. Mr. Otte said when you put signs up 25 feet, they get lost on the building. Mr. Raffin said he can also see the need for "Immediate Care" signs. Mr. Otte said people will be coming from every direction and want to know where the that building is. The ERs are packed in Munster because of the closing of Franciscan. He said people are looking for and they are going to emergency rooms. Mr. Raffin asked the rate of increase for emergency rooms. Mr. Otte said they are before the Plan Commission for the garage in the next meeting. They are adding 343 parking spaces to the garage. Their ED has gone from approximately 53,000 visits to 65,000 . They are short parking spaces since the Franciscan closing. Mr. Raffin said he wants to be able to see the building, he appreciates having "Immediate Care" on there when he is taking his child for care. He doesn't think the Immediate Care sign is monstrous, it blends in with the building. The Community Hospital logos at the top of the building are not that big. He said that he is the biggest proponent of beating down signs & ordinances, but it is a pretty big building.

Motion: Ms. Mayer moved to approve Docket No. BZA22-010 Community Foundation of Northwest Indiana granting approval of all variances.

Second: Mr. Raffin.

Discussion: Ms. Mellon said she understands the desire to have them be similar to those in the development already. She was part of making a stricter sign ordinance so the entire town will look better. We are looking at things by area and you are coming in off Calumet Avenue. If every business

says they are following the old sign ordinance across the street, we will never be able to make it look better. She is not giving an opinion on whether or not to approve as presented. Since now the hospital owns all of that, are they going to be presenting this for every single building going forward. You then have an entire area that we haven't been able to improve and meet our ordinance. Mr. Otte said being an immediate care they want everybody to know where it is. The buildings that will probably follow in that area will be more like doctor suites. They will not need as impactful signs. Ms. Mellon said this is a huge piece of property. You can go back and change the other signs. At some point, they will need to be replaced. The signs at Fitness Point were redone not too long ago. At some point, this could make everything go in the other direction and be more consistent. Mr. Otte said there are 37 acres left there to develop. Ms. Mayer said in the meeting last month, they'd asked Mr. Otte to go back to the drawing board because the sign request was so much larger than it is today. There was a comment made at the meeting by Mr. Otte or the sign guy about the neighboring building signage. They did say that it is why the Town has a new code; we are trying to improve upon what is there now for the future. Mr. Otte said they did scale it down quite a bit, he just hopes they don't have to get any smaller because it is not going to fit the building if they go much smaller. Mr. Buksa said he appreciates the petitioner's efforts to revise the previous request. He doesn't want to get into a cycle of continuing petitions because we don't have a full board present. He is inclined to support most of the variance requests. The one he has some concern with is the material for the logos. He can understand the size of the letters; he just has some concerns about the material. Mr. Otte said they can certainly go back and look at that. Mr. Vander Woude said he has seen other Community signs that do comply with our material standards. One example would be the logo on the monument sign which is not illuminated. Mr. Otte said the hospital has a similar material which is backlit so it stands out. Mr. Vander Woude said they can work with their sign contractor to figure this out. He doesn't think it would be impossible to comply with our material standards for that sign. Ms. Mayer asked if there is an internally illuminated sign option in our ordinance. Mr. Vander Woude said there is but part of the aesthetic direction that the sign ordinance is pushing towards is limiting the amount of light to only what is necessary to illuminate the elements of the sign. For example, channel letters are permitted because they are individual letters that are illuminated. A light box sign is not permitted.

Motion: Ms. Mayer moved to approve Docket No. BZA22-010 Community Foundation of Northwest Indiana granting approval of all variances except for materials. The variance request for materials will be tabled until the April meeting.

Second: Before seconding, Mr. Raffin asked if the petitioner agreed to the request for a material change before this is voted on. Mr. Otte said he needs to ask the sign contractor. Mr. Buksa said they could table the material aspect only. Mr. Otte said that will give them time to go back to their sign contractor. Ms. Mayer said they could light from above to shine on the logo. Mr. Otte said the goal is to make sure they have their electric roughed in for these locations because they will get to that quickly. Mr. Vander Woude said if everything was approved with the exception of the variance for the material and they came back with a sign that met that standard, there would be no need for a variance. To clarify, the motion is to approve all variances except for materials and that the variance request for materials be tabled until the April meeting.

Vote: Yes – 3 No – 0 Abstain – 0. Motion carries.

Findings of Fact:

- a. **BZA 22-016 Munster Properties LLC requesting approval of a variance from Table 26-6.405O-1 to allow a reduction in the required parking spaces for a medical office at 10350 Calumet Avenue.**

Motion: Mr. Raffin moved to approve BZA Docket No. BZA22-016 granting approval of a variance from Table 26-6.405O-1 to allow a reduction in the required parking spaces for a medical office at 10350 Calumet Avenue

Second: Ms. Mayer

Vote: Yes – 3 No – 0 Abstain – 0. Motion carries.

- b. **BZA 23-001 Matthew Banach requesting approval of a variance from TABLE 26- 6.405.A-2 to permit the construction of a garage addition which will increase the total number of garage spaces to five at 8737 Crestwood Avenue.**

Motion: Mr. Raffin moved to approve BZA Docket No. BZA23-001 Matthew Banach granting approval of a variance from Table 26-6.405-A-2 to permit the construction of a garage addition which will increase the total number of garage spaces to five at 8737 Crestwood.

Second: Ms. Mayer

Vote: Yes – 3 No – 0 Abstain – 0. Motion carries.

Additional Business/Items for Discussion:

- a. **Request for determination whether electric vehicle charging stations are a permitted accessory use in the CD-4.A, CD-4.B, CD-5, CZ, SD-PUD, and SD-M districts.**

Mr. Vander Woude said in November of 2022, he came before the Board of Zoning Appeals requesting direction on whether electric vehicle charging stations could be considered an accessory use in our business districts. While there is no specific reference to EV chargers in our zoning ordinance, there is a catch-all provision in all of our business districts that says, “any accessory use that is customarily found in this district is permitted”. The impetus for this was a proposal from the Tesla company to install EV charging stations in the Target parking lot. If the Board concurs that this use meets that provision, they can move forward with this particular project. Where there are questions of interpretation with respect to standards, the BZA can make a determination. At the November meeting, there was a discussion that the Munster zoning ordinance includes standards and regulations that relate to the screening of mechanical equipment, regulations for signs, and regulations for parking which we think would govern any EV charging station within another business's parking lot. For example, there is certain mechanical equipment that needs to be installed at some of these fast charging stations. Those would all be required to be screened under our ordinance. There are signage standards, we only permit directional signs of a certain size. Any parking spaces that would be set aside these EV chargers would have to be out of a surplus of parking on the lot for whatever is required for that use. The staff believes that those areas of concern would be addressed by our existing standards; they would be able to permit this type of thing in a commercial parking lot with little to no impact. Their position was that we should permit these as an accessory use. He said in November, the Board discussed some of these things and directed him to go out and research other communities are doing. He has compiled a number of resources that are listed in the staff report. He reviewed about five different guidebooks for how to implement EV charging in the community, how to use zoning to protect the community, and the best practices relating

to these types of uses. Every one of these resources said these should be permitted as accessory uses in business districts. There are some other standards in residential districts; you would permit some of these things in a business district that you would not in a residential district. For example, you wouldn't permit a Tesla charging station in someone's driveway. The best practice is to permit is to include standards that address screening, parking, and signage. In a best-case scenario, the zoning ordinance would have specific standards in dealing with EV chargers: a specific sign standard, screening standard and parking standard. In the absence of that in our code, there are already standards that address those issues. He also reviewed the Indiana State EV deployment plan, which stated that the policy in Indiana is to promote EV infrastructure so we can convert our police from gasoline to electric. The state of Indiana is actively planning for the deployment of EV infrastructure. They are looking for locations to install EV stations along the I-80 corridor. He also looked at a number of different communities in Indiana. There aren't many that regulate EV chargers specifically. He spoke to Sheila Shine, the Planning and Building director in Merrillville. They have something almost identical to this Tesla in the parking lot of their Meijer on US-30. Ms. Shine said Merrillville has never had any issues with traffic congestion or people loitering around the stations. The only issue they've ever had is that they planted some arborvitae around the utility compound, which were burned up by the heat from the compound and had to be replaced with a fence. He said Munster has standards in place for screening that permit a natural wood fence screen or masonry wall; PVC would not be permitted. Mr. Buksa asked who would own these charging stations. Mr. Vander Woude said, in this instance, the actual infrastructure is owned by the Tesla company, but the land underneath is owned by Target. The maintenance of the infrastructure is the responsibility of the Tesla company. Ms. Mayer said it is probably very similar to the windmill deals where they are leasing the land from farmers. Mr. Buksa asked who would be legally responsible for the stations. Mr. Vander Woude said Tesla would likely be legally responsible for the equipment. Mr. Buksa asked if there was an opportunity for Town revenue. Mr. Vander Woude said the Town would be free to install EV chargers on its own property and has done so in the Town Hall parking lot. There are other places in town where they are already installed at Community Hospital and in our parking lot, for example. Ms. Mayer asked about the different types 1, 2 and 3. If the power needed is available, why would they need to be handled differently. Mr. Vander Woude said it is not the power but rather is it the nature of how they it's used. If you have a Level 3, it charges much more quickly. Someone would be there for about 40 minutes rather than overnight. That is the biggest difference from a zoning standpoint. He doesn't know why they need different equipment on site for that. Ms. Mayer said she can see that because the power needs are so great, she doesn't understand the handling of it. Mr. Vander Woude said someone could put a Level 1 at their house and use it overnight. A Level 3 is more of a quick charger, so it has the potential for more frequent uses. His recollection from the reports that he's read are not necessarily prohibiting that but making it a conditional use in the residential district. That would allow the process to verify if it is only for the resident. Ms. Mayer said we are only looking at it only in Commercial districts. Mr. Vander said that our zoning ordinance currently includes that catch all provision in CD-4A, CD-4B and CD-5 districts. Mr. Raffin noted that the Town of Munster and Community Hospital are local people. He wants to make sure we have enforcement in place for a national brand, so we have protection to make sure they are safe. Mr. Vander Woude said all of our normal standards would apply. Whenever anything is done in Town, they are subject to the same standards with respect to maintenance and safety. They should have to license the business, so we have someone to call. Mr. Buksa said that should be a requirement. He asked if the Town's existing electrical infrastructure is sufficient to accommodate the EV chargers. Ms. Mayer answered that it was not

according to the plan. They have power on Calumet Avenue that they are bringing to that box inside the parking lot. Mr. Vander Woude said the only concern is that it should be brought in underground, and it couldn't be brought in overhead. Ms. Mayer said they show it underground on the plan. Mr. Vander Woude said he would like a motion confirming that EV charging stations are to be considered a use that is customarily in the district, subordinate to a permitted principle use.

Motion: Mr. Raffin moved to approve electric vehicle charging stations as a permitted accessory use in the CD-4.A, CD-4.B, CD-5, CZ, SD-PUD, and SD-M district but wants to make sure that are actual structures.

Second: Ms. Mayer, adding that the business must also be registered.

Vote: Yes – 3 No – 0 Abstain – 0. Motion carries.

Next Meeting: Mr. Buksa announced the next regular business meeting will be April 11, 2023.

Adjournment:

Motion: Mr. Raffin moved to adjourn.

Second: Ms. Mayer

Vote: Yes – 3 No – 0 Abstain – 0. Motion carries.

Meeting adjourned at 7:33pm

President Daniel Buksa
Board of Zoning Appeals

Date of Approval

Executive Secretary Thomas Vander Woude
Board of Zoning Appeals

Date of Approval