The MUNSTER BOARD OF ZONING APPEALS

MINUTES OF REGULAR BUSINESS MEETING Meeting Date: October 10, 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:Members Absent:Staff Present:Daniel BuksaSharon MayerSergio Mendoza, Planning DirectorBrad HemingwayRoland RaffinJill DiTommaso, Deputy Town ManagerBrian SpechtRachel Christenson, HWC EngineeringDavid Wickland, Attorney

Approval of Minutes:

a. September 12, 2023, Regular Business Meeting Minutes

Motion: Mr. Hemingway moved to approve the September 12, 2023, regular meeting minutes as

presented.

Second: Mr. Specht

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

Preliminary Hearings:

 a. BZA23-011 Scott Yahne seeking approval of multiple developmental standards variances for building set back, parking in 1st lot layer, and private lighting types at Three Floyds Taproom located at 9750 Indiana Parkway.

Mr. Scott Yahne, attorney for 3 Floyds, said he was very excited to come before the Board with a project he thinks will be a real enhancement to the Town and to the 3 Floyds facility. He said a lot of folks want to talk about this. He has had discussions with Town representatives including the Town Manager and the new Town Planner. He has with him an architectural team, Nick Floyd, the chief legal officer, Gary Modrow, the CFO. They have put a lot of work into this and their design team has come up with something pretty unique. They will save the presentation for November. They're asking for three developmental variances that relate to the fact that there are existing buildings out there. Rather than come before the Board and seek an amendment to the PUD, they collectively determined that these three developmental variances were the way to go. He will give more details on that next month and they will unveil more about the plan then. It is a new taproom and beer garden. He said 3 Floyds is going to be first class and we all will benefit from it for years to come.

Mr. Mendoza identified that three variances are required. The first variance is from Section 26-6.405.A-7, regarding setbacks for principal buildings. The second is from Section 26-6.405. O. 1. h. vii. I. and II., for landscaping design particularly in the first lot layer for landscaping parking. The third is from Section 26-6.405. Q. 3. b. for Illumination and use of private lighting. They are looking for a public hearing in November.

Motion: Mr. Hemingway moved to set for public hearing PC Docket No. 23-011 on November 14,

2023.

Second: Mr. Specht

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

Public Hearings:

a. BZA23-003 Saundarya and Srikanth Ravindran 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 1621 Day Lily Lane.

Mr. Mendoza said the Ravindrans had reached out to the staff regarding a continuance of their public hearing. They said that the attorney would not be present at this meeting, and they would like their legal representation as part of the public hearing. They have requested that this public hearing be continued to November 14. Mr. Buksa said the options are to grant the petitioner's request to continue the public hearing until the November meeting or they could open the public meeting, listen to any public comments and keep the public hearing open until the November meeting.

Motion: Mr. Specht moved to open the public hearing.

Second: Mr. Hemingway

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

Mr. Mendoza said the variance requested is from Table 26-6.405-A-2. It is for vehicular parking requirements. The current requirements are that any primary structure less than 5000 square feet is limited to a 3-car garage. Any residence exceeding 5000 square feet is allowed a 4-car garage. The petitioner currently has a 3-car garage with a 4700 square foot home. They are requesting 2 additional garage parking spaces, bringing it to 5 parking spaces. Mr. Buksa opened the public hearing.

Mary Skocik of 1621 Thistle Lane said she had some questions about the structure that is going to be built. She said she was first told it was a carport. She asked if the Town of Munster has a definition for a carport; the definition for her would be that it is open on the sides and maybe a roof on the top. How large would it be and how far from the property line would this structure be? Mr. Mendoza said the staff can consider the questions and be prepared to answer them at next month's meeting. Ms. Skocik said many of the neighbors feel that they have moved into a planned community and to have a shed or a pole barn put in the neighborhood does not fit in with the neighborhood aesthetic. She thinks there are other options, maybe lifts in the garage. She thinks the Town of Munster has thoughtfully considered all the codes and zoning for many reasons. If the code is 4 cars for 5000 square feet and above, you can have a 4-car garage; that is the way it should be. If it is 5000 square feet and below, you get a 3-car garage, that is what you should stick with. She said making multiple exceptions is not good for the neighborhood and the property values going forward.

Judith Bizik of 1625 Day Lily Lane said she has lived here 26 years, and she loves her quiet, peaceful neighborhood. She and her husband worked very hard to get where they are. She is opposed to the garage because she said she (Saundarya) lied to her in the beginning. She said it was a carport just like hers. She has a roof and 4 poles to sit away from the sun. She told her that her husband is going to wash his cars underneath it. Ms. Bizik said that sounded fine but what was going up that day was a pole barn. They even had a patio driveway poured that she will be able see from her back yard. She doesn't see any other neighbors in the Meadows of Saint George. If the Board lets this garage go in, she can see it from her back yard and she will not appreciate that. She said she objects to a second garage going in. She said if they want to have six or seven cars, they should go buy two acres somewhere that can support that many cars by a home.

Tin Chun Lin of 1616 Day Lily Lane said he is a professor at Indiana University Northwest and this issue got his attention. His question is, did they violate a law? They also got a permit before they built that fence. He doesn't understand why this has become an issue unless it becomes noisy. He supports the petition.

Emeka Oniah of 1629 Day Lily Lane said he spoke to her (Saundarya) initially and Ms. Bizik said it obstructs her property. Initially, he said not a problem, whatever you do to your house, it is your issue. Then he thought about it and when she (Saundarya) came by the next time, he told her he would come to this meeting. He decided to investigate. He asked her (Saundarya) if it was a detached garage and she (Saundarya) said yes. He said to begin with, the covenants outlaw any solid structure. When they bought the property in the subdivision, they already had covenants, you cannot have sheds, you cannot have any permanent structure for vehicles, you cannot put a camper outside your house, you cannot do any of those things. If you allow someone to put in a detached garage, in his opinion-it is basically a pole barn, and if everyone in that subdivision goes willie nilly and puts up sheds, pole barns, whatever it is, it completely degrades the integrity of the subdivision. It reduces the value. When he was buying and saw that he couldn't put up sheds, he said great, good neighborhood. They don't all have to be cookiecutter. You can do certain variations to your own property for your own aesthetics, that is very subjective. That is why some people can paint their houses blue or red, that is not a problem. There must be a degree of adherence to various covenants. At the end of the day, a variance should be for the public good. What good is it to have a 2-car detached garage in the middle of a subdivision? If you want one, go to the country and build a pole barn. There is no common good. A variance must impose hardship or practical difficulty on a property owner. He wants to be told what the difficulty is. He said there is a guy on the other side who drives a Ferrari. In the winter, he moves the Ferrari to storage because he doesn't want to park it on the street. Another guy has the most beautiful collection of vehicles; Lamborghinis, whatever. He has a 3-car garage. He built joists. He drives the first 3 cars up, then he puts the other 3 in. All these people live here and not once thought of violating the code and the covenants with which we are living. It isn't for security purposes. She puts up a gate. No one has a gate, but she put up a gate. He said, that is fine, secure your property with a gate but do not put a shed or pole barn in. He is against the petition.

Wes Potts of 1726 Timberwood Lane. He said he is in attendance with his wife and his neighbor who shared with them the difficulty and her concerns. They have sympathy for her and are supportive of her. They like living in the Meadows of St. George. They came here in 1997 when it was just getting started. They were one of the original homes and they saw the neighborhood built up. There were covenants, requirements for the homes. There are codes the village has in place. They respect those and they abide by them. They would expect their neighbors to as well. They want the integrity of the neighborhood kept the same. They have good neighbors, they take care of their properties. They don't want to see

changes outside the codes and the covenants that are in place. They support the Town on the mandates they have, a 3-car garage for under 5000 square feet. They are against the variance.

Janet Fulte Papesh of 1721 Thistle Lane said she had questions about the background on this. There were early permits granted, what made this all change? Mr. Mendoza said the permit that was issued was for a shed. The Building Inspector was on site and noticed that what was going up was not what was reflected on the application so he issued a stop work order. Ms. Fulte Papesh asked why the homeowners would submit something to the Town and build something else. She asked if the Town saw the original plans. Mr. Mendoza said the plans were part of the original application and it identified it as a shed. Ms. Fulte Papesh said, in her estimation, they submitted to the Town and then decided to build something else, got caught by the Inspector because it is not adhering to the plans and are now here for a variance. She asked if that was the intent all along. Mr. Mendoza said he couldn't answer that question. Ms. Fulte Papesh said she is strongly opposed to this.

Dawn Kotz of 1722 Thistle Lane said she is also a Meadows of St. George resident. She agrees with her neighbors who have stated the reasoning for not approving this. She also agrees with the gentleman who spoke about the house on Burlwood with the stackable garage accommodating the luxury cars they have. It is a very clean aesthetic, it doesn't ruin the neighborhood at all. She said she believes this would be an eyesore to their neighborhood in the way it is structured. She has had other friends who wanted to build additional garages who have been turned down. She doesn't think it would be fair to approve this when there are other alternatives.

Erica Yamout of 1624 Timberwood Lane joined on Zoom. She said they are kitty corner to the property that is being discussed. She is a pediatrician in the area. She is in favor of this because of the way it is set back from the street. She said it looks very nice. She asked why a carport is okay but not something of this nature. She said she thinks a carport is exactly the same except it might have some sides. It is their property and it is set back nicely from the street nicely and is decorated nicely. She doesn't think it is an issue; they don't plan on having all kinds of things there, pulling out a barbeque and shooting off fireworks. They just want something that looks nice to house their vehicles, which is totally okay with her. She said she (Saundarya) does not bother anybody, she is respectful, she has asked everybody, she has been very kind. Munster had also already approved the permit. The structure they are building has not changed, they didn't try to pull anything over on anything. They started to build it and, she thinks, the neighbors did not like the idea of it and brought it to this attention. She said if you walk around the neighborhood, there are quite a few properties that have sheds in the back. She said she thinks there are quite a few things that are overlooked in the neighborhood, things that are outlawed in their HOA. It depends on the neighbor and not showing it in anybody's face. She said she is a very much a yes in this situation.

Zach Holobowski of 1625 Thistle said he and his wife and kids have lived in the Meadows or eleven, going on twelve, years. They are against this proposed additional garage. They are in favor of maintaining the rules of the Town here. He said they really should not have a variance. He would like more garage spaces, too, but they understood when they bought their house that there are size restrictions there and those are the rules they abide by. He thinks it best for the subdivision and the community to maintain that.

Mr. Randall Parr, attorney for the Ravindrans, said they are prepared to discuss alternative specifications and other modifications to the structure to make it more palatable to those who are not in favor. He

thinks it is important for everyone to have their say, it appears there are quite a few. They would be in favor of this bifurcated proceeding where they would return in November to finalize the matter as well.

Dawn Pilja of 9926 Wild Rose Lane said she is for it because her guess is when they gave the plans, they also gave the sketches. It concerns her, as a citizen, that she could submit a plan and it can be approved. An irate neighbor, or anyone who doesn't agree, can then just come in and cost me thousands and thousands of dollars because it is seen as an eyesore and they don't want to look at it. She said she thinks that as a village, we should work with them and tell them what they can and cannot do. If the plans they submitted said a shed, a Taj Mahal, a garage mahal, it doesn't matter. Her concern is not whether there is garage there. Her concern is that she (Saundarya) wants to build something, and everyone approved it. If it is not to someone's liking or a neighbor gets mad at her or they have a vision of something that may or may not be true, or that it is upsetting them, then they will say no. That makes her worry about the Town Hall decision.

Ranganathan Ravi of 9930 Wild Rose Lane said he has inside knowledge of this project because the petitioners are his daughter and son in law. In the interest of public disclosure, he wanted to be very clear about that. He said he obviously has a vested interest in this. His question is basically, did they follow the rules or not? He said there had been a comment made that the application was for a different structure. He said for all he knows, that is not true. Exactly what the Town approved, that is the structure that was going up. The work was stopped midway after they had put quite a lot of money into the project. This needs to be about whether the original approval was given in contravention of the covenants. He said he doesn't know, only the Town can reply to that. Whether the structure going up is a variant of the one approved, he can categorically say, because he lives right across from the house, it is the same structure that was approved. He said he is all for it because this is America and what we do inside our compounds is totally up to us. Even though this is his daughter and son in law so he has a certain interest, he still has to say what he has to say.

Lilly Hoffman of 1628 Day Lily said she had questions about the permit and everything. They built their house there so she knows all the things. She asked if there was a picture of the actual structure as opposed to what they are building. Mr. Mendoza said there were and they are available to the public. Mr. Specht said he was on the Board of Zoning Appeals and on the Plan Commission. He said he didn't think any of this had been through any of them so they are new to all of this. He said Mr. Mendoza is new to his job, too, so they don't know what happened in the past. They are just trying to follow the rules as they are today. Ms. Hoffman said as long as they are following the plans and Munster approved them, would Munster be responsible for breaking the rules? You are only allowed 3 garage space for under 5000 square feet. Mr. Buksa said questions will be answered in the next hearing.

Marianne Pilja of 9926 Wild Rose Lane said she spoke to their neighbor's daughter; she told them what had happened. She said what concerns her as a Munster resident and, to reiterate what was already said, she doesn't want to come for a permit, pay for the permit, and midway after the money is spent, someone can come by and say they changed their minds. She said she and her sister drove by the house before the meeting and they couldn't see it; they saw a gate. She is for it.

Mr. Buksa said what will happen next is he will ask the Board members to continue this public hearing until November. Everyone is welcome to come back then. He will ask the Town to prepare answers that are appropriate. He asked Mr. Wickland to provide a memorandum about the legal concerns. Mr. Wickland said he would do so.

Motion: Mr. Specht moved to continue the public hearing for BZA Docket No. 23-003 on November

14, 2023.

Second: Mr. Hemingway

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

b. BZA23-007 Paul Taylor is seeking a variance to development standards to allow signage that conforms to the sign standards applicable to CD4.A Districts in Table 26-6.701.A to the tenant spaces on the east side of the building located at 11 Ridge Road.

Mr. Buksa said Mr. Taylor has two petitions. The Board will try to handle them at the same time but they are separate.

Mr. Mendoza said it was identified that the structures referenced in both the BZA23-007 and the BZA23-008 petitions were constructed in the 1960's and 1970's, which was an autocentric era of development. The buildings face in toward what is identified as an automobile courtyard. At that time, it was socially acceptable to use these types of structures with the signage facing the inside. Under current Town ordinance, they do not reflect the now pedestrian sense of development. They would be identified as preexisting structures. They are seeking a variance to comply with the new Town sign standards. The signs will be facing the interior toward the parking lot as opposed to the public right-of-way.

Mr. Paul Taylor, representing the owner of the two buildings, said he had nothing more to add to Mr. Mendoza's statements.

Mr. Buksa opened the public hearing for both BZA23-007 and BZA23-008.

In answer to the questions from several members of the public about the signage, Mr. Mendoza said the request is for signage to be located over the existing tenant spaces on the buildings. Essentially, there are L-shaped structures . The tenants face the courtyard and the parking lot which is shared by these 2 L-shaped structures. They want to put signage up for each tenant that faces the inside of that private automobile courtyard because the current zoning requires that the signage face the public right-of way. They are asking to be allowed to place signage for their tenants facing the courtyard as opposed to the public right-of-way.

Barb Matz of 7925 Forest Avenue said it is not clear to her what they are doing, there are already signs on the doors. Mr. Mendoza explained that there are signs there today. Once they remove those existing signs, they lose that legal non-conforming or grandfather clause. They cannot put them back up unless they apply for a variance. In this case, they are trying to change out all those signs.

Brenda and Roy Vander Molen of 8222 Forest Avenue said they are right behind this property and asked for clarification; are they keeping the signage where it is but changing it? Mr. Mendoza said as new tenants come into the existing tenant spaces, they'd like to advertise their businesses. Under the current sign code, they would not be allowed to put signage up because it faces the interior of the development or site. The current code requires them to face the public right-of-way. Allowing this variance to be granted would allow them to change the face of the sign as each new tenant comes in. The Vander Molens said they would oppose this. They live in a house behind this development, and it is not a well-kept area. There is a huge amount of garbage that is generated by this complex. It is annoying to them that they come home and must pick up garbage all the time. They are fine with the window

signs but the tobacco place in the front had blinking lights which was annoying and distracting. Ms. Vander Molens said she doesn't know how tastefully they would do the signage. It doesn't increase property values; she doesn't think it gives a good feel to the neighborhood or to the Town of Munster. It is kind of jazzy and not eloquent. There is also broken brick on the second building that someone drove into a couple of years ago that has still not been fixed.

Ms. DiTommaso said the way the buildings are oriented, you can only put a sign on the front of the building. The code said you can only put a sign on the front of the building, where it fronts the street. Those tenants that are not along Ridge Road would not be allowed a sign according to our current law. That is why they are seeking a variance. Ms. Christiansen added that the petitioner does have plans to make some façade improvements to the structure. This is the first step, making sure they can place signage in appropriate places and that it looks more cohesive than it currently does. She said there had been construction plans submitted but she was not sure if it had been added to the staff report. Mr. Mendoza said they were not added to the staff report. Mr. Taylor said the existing signs were grandfathered in. When new tenants move in, they are not allowed to put up any signs. Ms. Christiansen said the signs that are currently in place would not be approved under our current sign ordinance. Any new signs going up would have to meet our current sign code. Ms. Vander Molen said they live right there and don't know how bright or flashy new signs would be. Since flashing and overly bright lights are annoying to them, they would be against this petition.

Nancy Nixon said she lives at 8004 Hohman Avenue. She said she supports what the Vander Molens said. They have lived there for 30 years. This property was and is an eyesore, lots of garbage, lots of everything. They don't trust that whatever signage or whatever they do will be better than it has been; she agrees that she doesn't trust the current owners to make it better. Jeff Nixon, 8004 Hohman Avenue said he agrees. The property has always been an eyesore, it has not been kept up and there is garbage all the time. He said that another aspect of the nature and look of the place is the kind of people that go to it. If you look at police reports, there are a lot of problems associated with this property. He can understand why a business wants to promote itself but is very leery of the past history and how they have lived as a business in the community.

Mr. Buksa closed the public hearing for BZA23-007 and BZA23-008.

Mr. Taylor said he is an architect with Taylor Design Architects in Hammond. He was contacted by the owner of this property; their intention is to upgrade the façade of the building. Part of the reason for doing that is to get new signage to the building for the tenants that are not represented on the street side. Their plan is to build a parapet around portions of the existing building. That is where the signage will be. If they are not able to put signage up, they will not do that property improvement project. The current owner has had the property for about 2 years, you cannot put the blame on him for decades of poor property maintenance. He wants to invest in the property, update it, and bring a more modern look to it. This starts with the signage plan. Mr. Specht asked about the construction plan. Mr. Taylor said they had applied for building permits. Those have been sidelined, pending approval of these variances. Mr. Specht asked if the building changes needed to go before the Plan Commission. Ms. DiTommaso said it would not, the building permits were flagged because they would need variances for the signage. Ms. Christenson showed the plan for the two variances. The first (BZA23-007) is for the variances on the west side and the second (BZA23-008) is for the variances on the east side. She explained that there would be a cap on the west side structure. The signage on each business façade allows one sign per business.

Motion: Mr. Hemingway moved to grant the variance for BZA Docket No. 23-007 sign standards applicable to CD4.A Districts in Table 26-6.701.A to the tenant spaces on the east side of the building located at 11 Ridge Road, with the following conditions:

- 1. All of the building improvements submitted must be executed.
- 2. Appropriate trash receptables must be placed throughout the site.
- 3. Adherence to the Town of Munster standards relating to site cleanliness must be maintained.

Second: Mr. Specht

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

Mr. Buksa advised Mr. Taylor to work with the Town. He has heard the comments from the neighbors and their considerable concerns. The Board wants the owner to be considerate of these concerns.

c. BZA 23-008 Paul Taylor is seeking multiple variances to allow signage that conforms to the sign standards applicable to CD4.A Districts in Table 26-6.701.A to the tenant spaces on the west side of the building located at 15-21 Ridge Road.

BZA23-007 and BZA23-008 were combined in discussion and public hearings; see details above.

Motion: Mr. Specht moved to grant the variance for BZA Docket No. 23-007 sign standards applicable to CD4.A Districts in Table 26-6.701.A to the tenant spaces on the east side of the building located at 11 Ridge Road, with the following conditions:

- 1. All of the building improvements submitted must be executed.
- 2. Appropriate trash receptables must be placed throughout the site.
- 3. Adherence to the Town of Munster standards relating to site cleanliness must be maintained.

Second: Mr. Hemingway

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

Mr. Buksa advised Mr. Taylor to work with the Town. He has heard the comments from the neighbors and their considerable concerns. The Board wants the owner to be considerate of these concerns.

d. BZA23-09 Family Dental Care is seeking a variance to developmental standards to allow two (2) wall signs that exceed the maximum height allowed by ordinance.

Mr. Mendoza said Family Dental is seeking a developmental standard variance to allow two wall signs. The overall height is over the maximum allowed by ordinance according to the Town's code, Table 26-6.701.B which states the overall maximum height of a wall sign is 48". The petitioner is requesting a variance to allow two of these signs with an overall height of 73' for one and 71' for the other. The petitioner had previously submitted a sign application which does comply with the current Town codes, however, for aesthetic purposes, they'd like to change that to the proposed signage.

Laura Pugh said their argument is they have a hardship because the architecture of the building is a triangle. Customers are looking for something that is aesthetically pleasing to draw them in. They are trying to get more patients in; they are trying to serve the area. They are investing \$2 Million in this and they hope to serve the community for decades to come. They feel the graphic with the teeth on top is much more pleasing because of the triangle.

Dr. Alex Alemis, Chief Dentist with Family Dental Care, said that they are not adding any real estate to the sign, they are only stacking it differently. If the triangle was not there, they would prefer the signage already approved. They prefer the proposed sign because of the triangle shape. Mr. Buksa opened the public hearing.

Nancy Nixon of 8004 Hohman Avenue asked for clarification on the illumination. It was explained that it will be lit internally through the back of the letters. She said she likes the stacked version.

Michael Goepfert of 10380 Oxford said he hasn't been in attendance for a while. He said he is all for this, it looks better stacked.

Scott Yahne of 9301 Calumet Avenue, Suite 2A, said he represented the petitioner in the first phase. He had a specific discussion about this presentation because he asked the Board for relief. Mr. Buksa closed the public hearing.

Motion: Mr. Specht moved to approve BZA Docket No. 23-009 as presented.

Second: Mr. Hemingway

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

Mr. Buksa said they have their variance; they should work with the Town staff on all further details.

e. BZA23-010 Crew Car Wash seeking multiple developmental standards variances for offsite dumpster location, landscaping ,and alterations to the existing freestanding sign.

Mr. Mendoza advised that the petitioners had asked for a continuance until November 14.

Motion: Mr. Specht moved to continue the public hearing for BZA Docket No. 23-010 on November

14, 2023, as requested. **Second:** Mr. Hemingway

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

Findings of Fact:

a. BZA23-002 HP Munster Investment LLC seeking multiple variances from TABLE 26-6.701.B WALL SIGN SPECIFIC STANDARDS to permit two nonconforming signs on a Hyatt Place Hotel at 9420 Calumet Avenue.

Motion: Mr. Hemingway moved to approve the Findings of Fact for BZA Docket No. 23-002.

Second: Mr. Specht

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

Additional Business/Items for Discussion: None

Next Meeting: Mr. Buksa announced the next regular business meeting will be held on November 14, 2023, beginning at 6:45 pm.

Adjournment:

Motion: Mr. Specht moved to adjourn.

Second: Mr. Hemingway

| Vote: Yes –3 No – 0 Abstain – 0. Motion carries. | |
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| Meeting adjourned at 8:02 pm | |
| Chairman Daniel Buksa Board of Zoning Appeals | Date of Approval |
| Executive Secretary Sergio Mendoza Board of Zoning Appeals | Date of Approval |