



BOARD OF ZONING APPEALS STAFF REPORT

To: Members of the Board of Zoning Appeals

From: Sergio Mendoza, Planning Director

Meeting Date: January 9, 2024

Agenda Item: BZA 23-014

Application Type: Developmental Standards Variances

Hearing: Public Hearing

Summary: Nicholas Georgiou for ONSI (orthopedics) is seeking six Developmental Standards Variances: Building setbacks, Building materials buildout, Entry standards, Off street parking location, Screening, and Sidewalks at 9900 Columbia Avenue.

Applicant: Nicholas Georgiou for ONSI (Orthopedic Specialist of Northwest Indiana)
Dyer & Associates, LLC (Sunil Dedhia, MD)

Property Address: 9900 Columbia Avenue

Current Zoning: CD-4B General Urban-B Character District

Adjacent Zoning: North: CD-4B General Urban-B Character District
South: SD-PUD Planned Unit Development Special District
East: CD-4B General Urban-B Character District
West: CD-4B General Urban-B Character District

Action Requested: Approval of Developmental Standards Variances

Actions Required: Review Conditions of Approval Questions and Open and Close Public Hearing

Staff Recommendation: Motion to approve Building setback, Off street parking location, and Entry location. Motion to deny Building material buildout, Screening, Sidewalks.

Previous Attachments:

1. Variance Application, Exhibit A (pg 13)
2. Concept Plans , Exhibit B (pg 17)
3. Landscape Plan, Exhibit C (pg 18)



Image 1 Subject Property.

PROJECT BRIEFING

Nicholas Georgiou, Architect, with Georiou & Associates Architects, Inc. is representing with ONSI (Orthopedic Specialist of Northwest Indiana) Dyer & Associates, LLC (Sunil Dedhia, MD). ONSI has interest in the renovation and expansion of 9900 Colombia Avenue, the current home of The Gate Church (see Image 1).

The proposed renovation and expansion are planned for in two phases. In phase 1 ONSI is proposing to renovate the existing 9,844 SF religious use structure into a medical and office facility, expand the existing 48 space parking lot with an additional 44 spaces, and create a half-acre off-site detention area. Phase 2 consists of a proposed 9,750 SF building addition for medical and office use and expand the parking lot with an additional 20 spaces (see Image 2).

OSNI feels that to accomplish the proposed renovation and expansion they will need to obtain four Developmental standards Variance approvals from the town's building setback, building material, entry location, parking locations, screening, and sidewalk requirement standards.

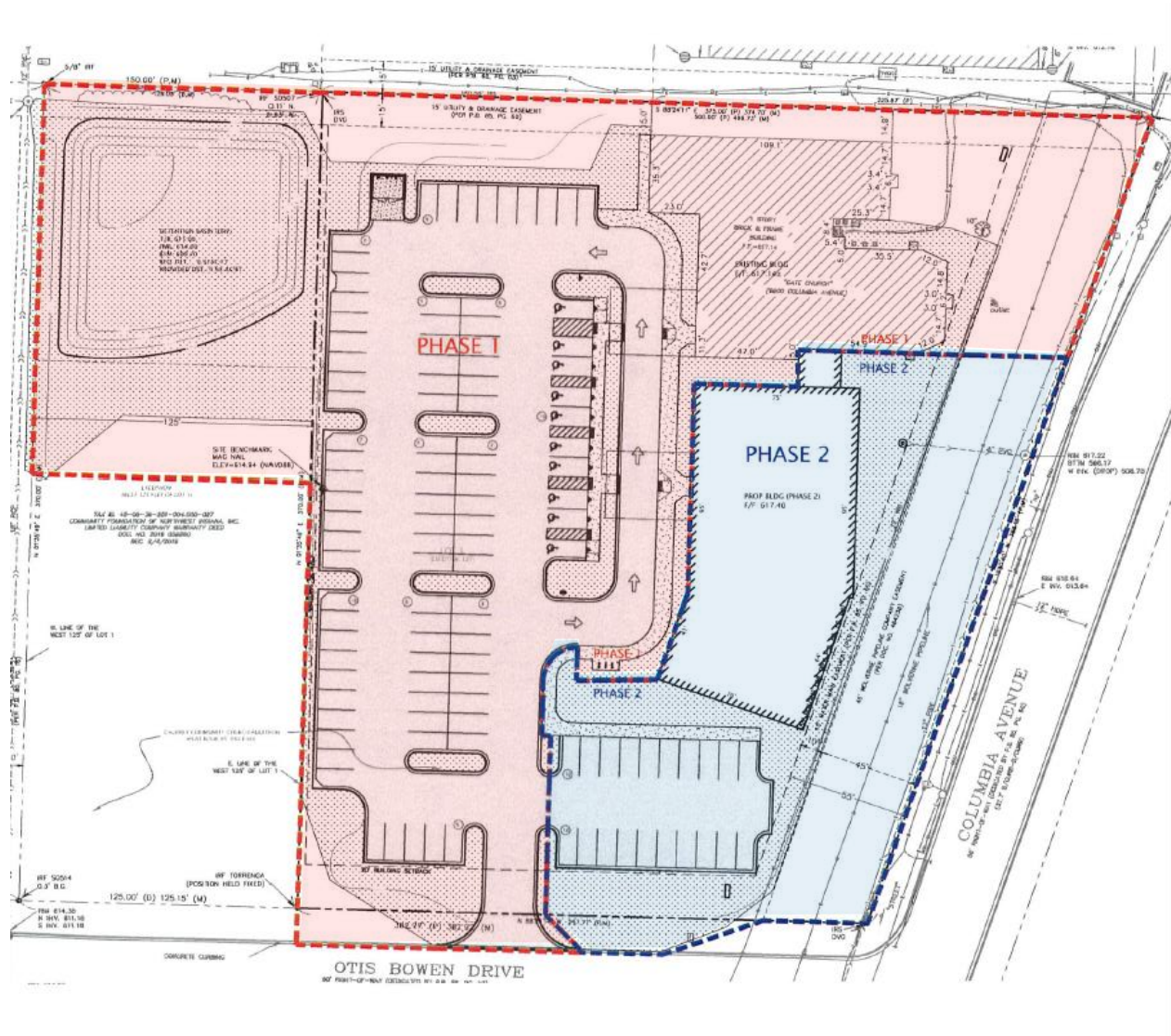


Image 2 Phased Development.

The Munster Character Based Zoning codes from which the petition is seeking variances from are:

- 1.) 26-6.405. A-7 DISTRICT STANDARDS, Setbacks-Principal Building, Principal frontage and Secondary Frontage
- 2.) 26-6.405. A-7 DISTRICT STANDARDS, Building Standards, Building Materials and Frontage Buildout
- 3.) 26-6.405. A-7 DISTRICT STANDARDS, Building Standards (continued) Entrances
- 4.) 26-6.405. A-7 DISTRICT STANDARDS, Vehicular Parking Requirements, Off-street Parking Location

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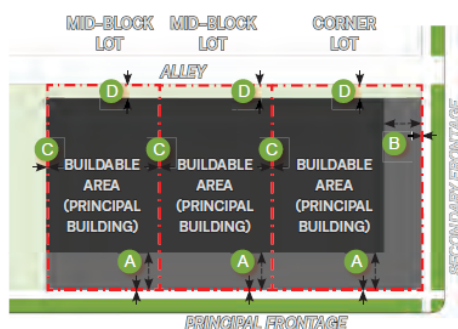
www.munster.org

- 5.) 26.6.405. A-7 DISTRICT STANDARDS, Screens, Types of Screens (Enhanced Hedge), Specific Standards (Where Screen is Required and Permitted Screen Type)
- 6.) 26-6.405. S. 2. DISTRICT STANDARDS, Streetscape Repairs, Replacement & Improvements

Code language and illustrations following:

1.) **26-6.405. A-7 DISTRICT STANDARDS, Setbacks-Principal Building** (MZC pg. 125)

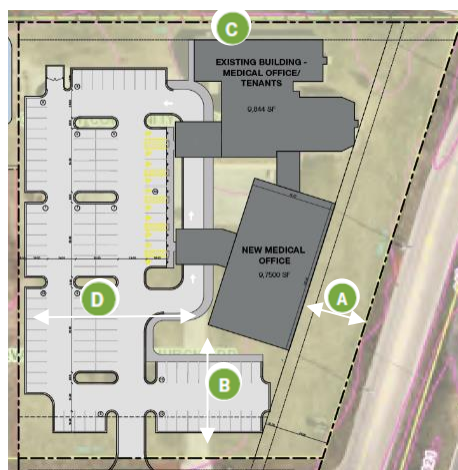
REQUIRED:



Setbacks – Principal Building

Front Setback, Principal Frontage	0 ft. min, 20 ft. max; the max. setback may be increased by the amount necessary to provide a passenger drop off area where there is no on-street parking and the Principal Use of the Lot is Hotel or Medical.	A
Front Setback, Secondary Frontage	0 ft. min, 20 ft. max	B
Side Setback	0 ft. or 6 ft. min per side. 130 ft. max combined	C
Rear Setback	3 ft. min; or 15 ft. from center line of Rear Lane or Rear Alley	D

PROPOSED:



Front Setback, Principal 55 FT

Front Setback, Primary 124 FT

Side Setback (Existing) 15 FT

Rear Setback (Existing) 147.5 FT

2.) **26-6.405. A-7 DISTRICT STANDARDS, Building Standards,** (MZC pg. 126)**REQUIRED:****Building Materials**

Primary: brick or natural stone, cast stone, wood or metal Shopfront, terra cotta, ceramic tile, similar materials approved by the Plan Commission

Accent: glass, metal, wood, any primary building material, similar materials approved by the Plan Commission

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

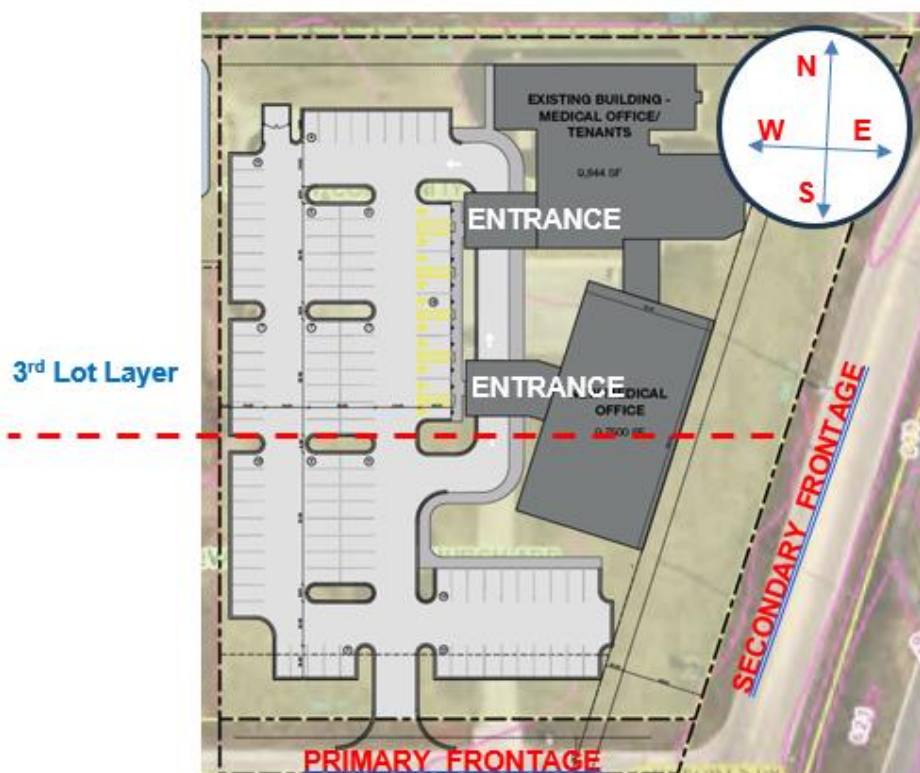
Facade

Frontage Buildout 60% min

PROPOSED:

Use of E.I.F.S

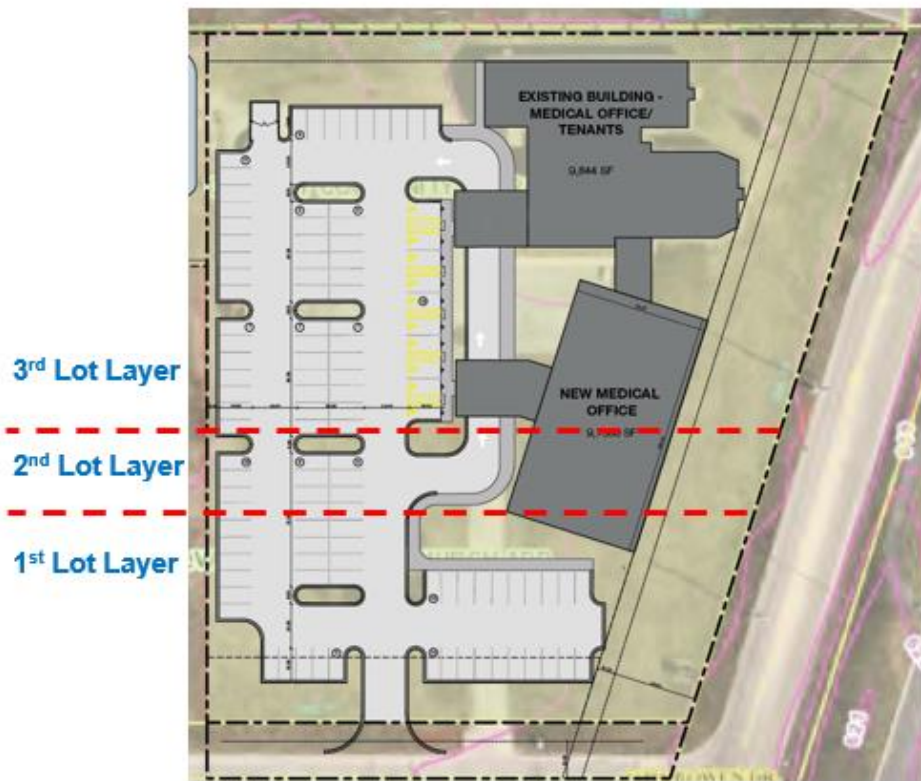
33%

3.) 26-6.405. A-7 DISTRICT STANDARDS, Building Standards (continued), Entrances (MZC pg. 126)REQUIRED:PROPOSED:**Building Standards (continued)****Entrances**

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

Proposed Main Entrance is not at the Façade of the Principal Frontage or at corner.

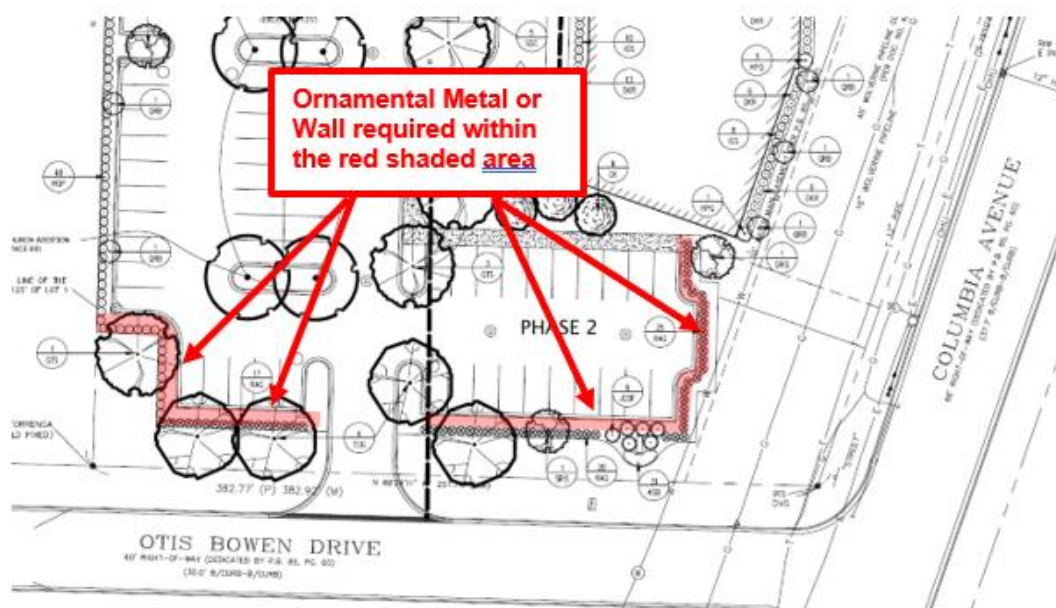
The proposed Main Entrance(s) are located facing west, towards the interior of the 3rd Lot Layer

4.) 26-6.405. A-7 DISTRICT STANDARDS, (MZC pg. 128)**REQUIRED :****Vehicular Parking Requirements**Off-Street Parking
Location

P in 2nd or 3rd Lot Layer.
Parking must be Screened
from abutting properties
by Building or opaque Wall
Screen, Fence Screen, or
Hedge Screen. Parking Lots

NP**PROPOSED:**Parking in the 1st
Lot Layer

5.) **26.6.405. A-7 DISTRICT STANDARDS, Screens, Types of Screens (Enhanced Hedge), Specific Standards (Where Screen is Required and Permitted Screen Type (MZC pg. 131)**



REQUIRED:

Screens

Applicability: Except at Driveways: Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/Dumpsters, HVAC and other equipment shall be Screened from Frontage, Civic Space and Adjacent Property by a Building or Screen. Rooftop Antennas and HVAC, Mechanical and other Equipment shall be screened from Frontage and Civic Space by a Building parapet or Building Element. Except where Building has 0' Setback: A Screen is required where a non-residential CD-4A property abuts a CD-3, CD-3.R1, CD-3.R2, CD-3.R3, CD-4.R4 district.

Types of Screens

Enhanced Hedge	A Hedge screen planted adjacent to an ornamental metal fence or a wall screen
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PROPOSED:

No Enhanced Hedge proposed, to include an ornamental metal or wall along the parking lot/area in the 1st Lot Layer.

Example of other developments in compliance:

CONTINUED:**26.6.405. A-7 DISTRICT STANDARDS, Screens, Types of Screens (Enhanced Hedge), Specific Standards (Where Screen is Required and Permitted Screen Type (MZC pg. 131).****REQUIRED cont.:****Specific Standards**

Where Screen is Required	Permitted Screen Type	Height
Parking Lot or Parking Area at Frontage in 1st or 2nd Lot Layer	Wall, Enhanced Hedge	3'-3.5'

PROPOSED cont.:

Example of other developments in compliance:



6.) **26-6.405. S. 2. DISTRICT STANDARDS, Streetscape Repairs, Replacement & Improvements** (MZC pg. 266)**REQUIRED :**

- b. If the Public Frontage Adjacent to the applicable Lot does not include a Sidewalk, Thoroughfare Trees, or street lights, any such absent element that would have been required pursuant to Section 26-6.502 if the Building or Lot were within a Development Parcel shall be provided by the Lot Owner in accordance with the following standards and requirements:
- i. If there is no Sidewalk, a Sidewalk shall be constructed along the entire Front Lot Line, which Sidewalk shall match any existing Sidewalk Enfronting an Adjacent Lot or if there is none, shall conform to the Thoroughfare standards for the applicable District or Civic Zone, as set forth in Section 26-6.502, as if such Thoroughfare standards were applicable.

PROPOSED:

No sidewalks along:
Columbia Avenue
or
Ottis Bowman Drive

No existing Sidewalk Enfronting or
Adjacent Lot.

Nearest sidewalk is a 5 FT wide sidewalk approximately 1,000 south of the intersection of Columbia Avenue and Ottis Bowman, at the intersection of Columbia Avenue and Harold P. Hagburg Drive

VARIANCE STANDARDS

The variance process is established to provide relief to a property owner when, due to unique circumstances, compliance with the zoning code imposes a hardship or practical difficulty on a property owner. The BZA is under no obligation to grant a variance. It is the petitioner's responsibility to prove a hardship or practical difficulty. The BZA should ask the petition to address the criteria listed below.

Section 26-6.804. I. Deviation from Standards & Requirements (pg 392) of the Munster Zoning Code states that the basis for a variance is as follows:

g. General Standards.

A Variance may be granted only if the Decision-Making Authority has made the following determinations for such Variance:

- i. the practical difficulties or unnecessary hardships that would be incurred by strict application of the Use or Development standard, as applicable, are unique and not shared by all properties in the vicinity and are not self-imposed;
- ii. such Variance is the minimum Variance that will relieve such practical difficulties or unnecessary hardships, as applicable;
- iii. such Variance is in the spirit of the general purposes and intent of this Article as stated in Division 1; and
- iv. such Variance is so designed as to provide reasonable consideration to, among other things, the character of the neighborhood, District, or Civic Zone, the conservation of property values in the vicinity, and the guidance of Development in accordance with the Comprehensive Plan.

h. Specific to Development standards Variances:

A Variance from Development Standards may be approved or approved with conditions only if:

- i. it will not be injurious to the public health, safety, morals, and general welfare of the community;
- ii. the use and value of the area Adjacent to the property included in the Variance will not be affected in a substantially adverse manner; and
- iii. the strict application of the Development standards will result in practical difficulties in the use of the property.

The applicant has addressed these criteria (Conditions of Approval Questions Form) in the attached application, see page 16.

STAFF FINDINGS and RECOMMENDATION

Staff finds the application and supporting documents are in order and requests that this application hold a Public Hearing. As part of the findings, staff has determined the location of the existing building and pipeline easement would result in practical difficulties for compliance when remodeling the existing structure and constructing an addition to the existing structure. As a result of these practical difficulties the site location of the parking lot and primary entrance locations would adversely be impacted and resulting in additional practical difficulties or unnecessary hardships and therefore would recommend variance approval for parking lot location and primary entrance location to accommodate the orientation of the building setback.

However, staff is not able to identify practical difficulties or unnecessary hardship to the site or structure for complying with the Town's building material buildout, parking lot screening, and installation of sidewalk public improvement. In addition, the failure to install sidewalks may be injurious to the future public health and safety of the community.

MOTION

The Board of Zoning Appeals may consider the following motions:

Motion to APPROVE Developmental Standards Variance for the Setback of the Principal Building from the Principal and Secondary Frontage, as well as allow Main Entrances not to be located along the facade of the Principal Frontage, and allow Off-Street Parking in the 1st lot layer, Including all Discussion and Findings.

Motion to DENY Developmental Standards Variances for the use of the proposed Building Materials on the Frontage Buildout, the elimination of an Enhanced Hedge consisting of an Ornamental Metal Fence or Wall to screen the parking lot in the 1st lot layer, and the request to not install Sidewalk Streetscape Improvement, Including all Discussion and Findings.

EXHIBIT A

OSNI DEVELOPMENTAL STANDARDS VARIANCE APPLICATION

Petition BZA 23 - 014

Date: _____

Application Fee: \$ _____

Sign Fee: \$ _____

Town of Munster Board of Zoning Appeals Petition Application**OWNER INFORMATION:**

OSNI Dyer & Associates, LLC (Sunil Dedhia, MD)

(219) 924-3300

Name of Owner

Phone Number

730 45th Street, Munster, IN 46321

s-dedhia@hotmail.com

Street address, City, ST, ZIP Code

Email address

APPLICANT OR PETITIONER INFORMATION (if different than above):

Georgiou & Associates Architects, Inc. (Nicholas Georgiou)

(219) 365-9345

Name of Applicant/Petitioner

Phone Number

912 W. Avenue H, Suite 2, Griffith, IN 46319

nick@georgiouarchitects.com

Street address, City, ST, ZIP Code

Email address

PROPERTY INFORMATION:

Orthopedic Specialists of Northwest Indiana (OSNI)

Business or Development Name (if applicable)

9900 Columbia Avenue, Munster IN

CD-4.B

Address of Property or Legal Description

Current Zoning

APPLICATION INFORMATION:

Please select what this Application is for:

☒ **Variance**

If yes, select one of the following:

☐ **Use**☒ **Developmental Standards**☐ **Conditional Use**☐ **Administrative Appeal****Brief Description of Project and List of Variances or Conditional Uses Being Requested (if applicable)**

Project Description: Proposed renovation of existing church building into medical office tenant, with a 10,000 sf addition for medical office.

*List of variances being requested:**- Building setbacks (26-6.405.A-7)**- Building materials (26-6.405.A-7)**- Frontage buildout (26-6.405.A-7)**- Off street parking in Lot Layer 1 (26-6.405.A-7)**- Developmental variance to waive sidewalks at frontage roads*

Georgiou & Associates Architects, Inc. (Nicholas Georgiou)

(219) 365-9345

Name of Registered Engineer, Architect or Land Surveyor

Phone Number

912 W. Avenue H, Suite 2, Griffith, IN 46319

nick@georgiouarchitects.com

Street address, City, ST, ZIP Code

Email address

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Petition BZA _____ - _____

Town of Munster Board of Zoning Appeals Application Signature Page*Georgiou & Associates*

I hereby authorize Architects, Inc. to act on my behalf as my agent in this petition and to furnish, upon request, supplemental information in support of this petition application.

A handwritten signature in black ink, appearing to be "D. Smith", written over a horizontal line.

Signature of Owner

The date "11/20/23" handwritten in black ink over a horizontal line.

Date

A handwritten signature in blue ink, appearing to be "Nicholas Georgiou", written over a horizontal line.

Signature of Applicant

The date "11/20/2023" handwritten in blue ink over a horizontal line.

Date

REQUIRED ATTACHMENTS

Required Attachments for Board of Zoning Appeals Applications

To ensure that adequate information is provided to the BZA, please check off each of these items and provide documentation to the Community Development Department at the time of submittal of the application.

ALL APPLICATIONS	Included	N/A
Narrative statement describing project	x	
Property owner consent (Signature page)	x	
Proof of Ownership (e.g. copy of tax bill)	x	
Plat of Survey depicting current conditions	x	
Site Plan containing the following:	x	
Boundary identification	x	
Fire hydrant locations	x	
Accessory structures	x	
Parking lot design	x	
Utility location	x	
Building footprints	x	
Proposed curb cuts	x	
Drainage/detention plans	x	
Traffic circulation	x	
Ingress/egress locations	x	
Major topographic information	x	
Infrastructure improvements	x	
Conditions of Approval Form (Note: complete the form specific to your petition)*	x	
Any other information that the BZA may find useful in determining whether the application is merited.		

* Unique conditions have been established for special use permits for public garages, gas filling stations, used car lots, garden centers, massage parlors, adult bookstores, tattoo parlors, adult cabarets, and outdoor dining areas. Community Development staff will advise potential applicants of these at the pre-application meeting.

NOTE: If you checked any exhibits "N/A", please explain:

DEVELOPMENTAL VARIANCE CONDITIONS OF APPROVAL

The Munster Board of Zoning Appeals is authorized to hear petitions for developmental standards variances and to approve or deny. The Board of Zoning Appeals may also impose reasonable conditions and restrictions. Indiana Code 36-7-4-918.5 lists the legal criteria for a developmental standards variance:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Explain why this statement is true in this case:

The use is consistent with the Munster comprehensive plan, and the variances being sought for the setbacks, frontage buildout, building materials, parking, and sidewalks of the proposed medical office building will not be injurious to the public health, safety, morals, and general welfare of the community. The requested variances are similar to numerous existing buildings along Columbia Ave, and will not negatively affect the area.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Explain why this statement is true in this case:

The proposed medical office building will not adversely affect the use or value of the adjacent areas, as the use is consistent with the comprehensive plan, ordinance requirements, and the surrounding area. The neighborhood, which currently consists of many industrial uses, will be enhanced by the addition of a medical office building. The variances requested for setbacks, frontage buildout, building materials, parking, and sidewalks, are consistent with the existing buildings in adjacent areas and will not negatively impact the character of the area.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Explain why this statement is true in this case:

The variances being sought are due the existing church building being renovated for a medical office use. It would be impractical to move or modify the existing building to meet the setbacks, frontage build out, and building material requirements of the ordinance. The proposed addition will also require a variance to the setbacks and frontage build out requirements, due to the existing easements on the site, as well as the desired connection to the existing building. The building materials for the new addition will match the materials chosen to renovate the existing building, to ensure a cohesive design. The parking in Lot Layer 1 is necessary to meet the number of parking spaces required by the ordinance for the medical office building use, and the waiver of sidewalks on the frontage streets is also consistent with the surrounding area.

EXHIBIT B OSNI CONCEPT SITE PLAN



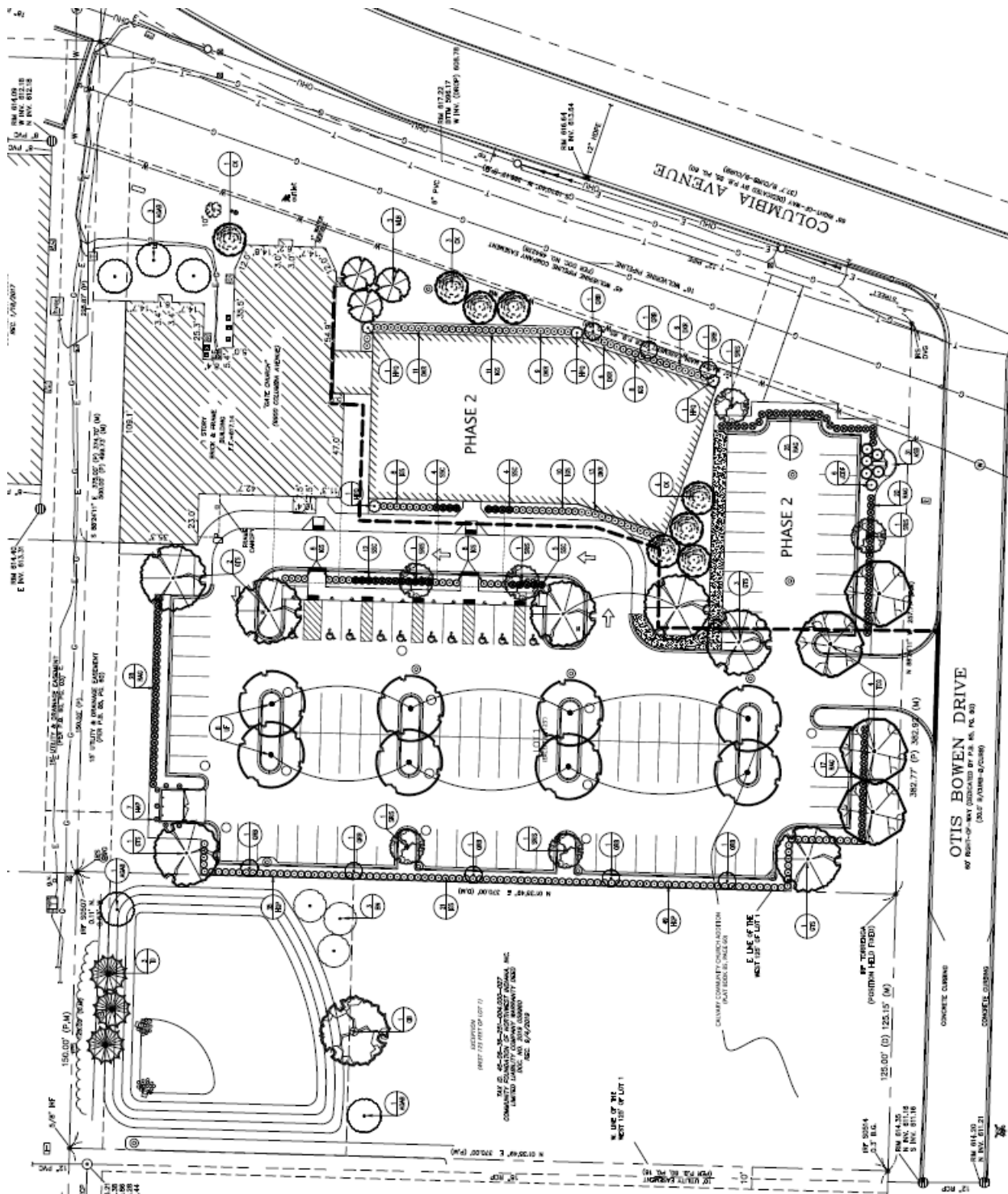
OSNI MOB
October 12, 2023

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EXHIBIT C **OSNI LANDSCAPE PLAN**



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