

MUNSTER BOARD OF ZONING APPEALS
MINUTES OF REGULAR BUSINESS MEETING
Meeting Date December 12, 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
Brad Hemingway

Members Absent:

Brian Specht

Staff Present:

Sergio Mendoza, Planning Director
Dustin Anderson, Town Manager
David Wickland, Attorney

Approval of Minutes:

a. October 10, 2023, Draft Minutes

Motion: Mr. Raffin moved to approve the October 10, 2023, minutes as presented.

Second: Ms. Mayer

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

b. November 14, 2023, Draft Minutes

Ms. Mayer requested changes to the draft minutes. On page 4, to change “purchase agreement” to “purchase agreement and deposit with Midwest that was not returned”. In the same section, after “structure” add “and foundation”.

Motion: Mr. Raffin moved to approve the November 14, 2023, minutes as amended.

Second: Ms. Mayer

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

Preliminary Hearings:

- a. BZA23-014 Nicholas Georgiou for ONSI (Orthopedic Specialists of Northwest Indiana) is seeking multiple Developmental Standards Variances for building setbacks, building materials, frontage buildout, off street parking, and sidewalks at 9900 Columbia Avenue.**

Mr. Mendoza said Nicholas Georgiou, Architect, with Georgiou & Associates Architects, Inc. is representing ONSI (Orthopedic Specialists of Northwest Indiana) Dyer & Associates, LLC (Sunil Dedhia, MD). OSNI has an interest in the renovation and expansion of 9900 Columbia Avenue, the current home of The Gate Church. The proposed renovation and expansion are planned in two phases. In Phase 1, OSNI 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 expanding the parking lot with an additional 20 spaces. He explained that 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, parking locations, and sidewalk requirement standards.

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, Vehicular Parking Requirements, Off-street Parking Location
- 4.) 26-6.405. S. 2. DISTRICT STANDARDS, Streetscape Repairs, Replacement & Improvements

Mr. Mendoza stated that after an initial review of the supporting documents, he believes no other variances are required. However, additional discussion should occur to confirm the landscaping conforms to the Town's standards and that required screening is met or compiles with the current standards. Additional discussion is also needed regarding the authorization of off-site detention for the management of stormwater runoff. Finally, there does not appear to be an expiration for approved Developmental Standards Variances and said variance commences at the time a building permit is issued the development request. The staff recommends a Public Hearing at the next regularly scheduled meeting of the BZA on January 9, 2024.

Nicholas Georgiou of Georgiou & Associates, 912 W Avenue H, Griffith, Indiana, explained the challenge with the Columbia Avenue frontage. They cannot get closer to Columbia Avenue, adding that other, existing buildings drove this.

Russ Pozen of DVG Team, Troutwine Road, Crown Point, Indiana, said the off-site drainage in the past was a much smaller site agreement for drainage. He said they have an agreement with the property owners to the left. It is designed to be built in Phase 1 to allow for existing easement to the east. The east and the south exist. On the north and south elevations, they are evaluating with the owners the cost of replacing. Mr. Raffin asked him to put a hard sell on the owners to remove EIPS. He added that sidewalks are critical, he would not support a plan that does not have sidewalks included. Ms. Mayer asked what the current number of parking spaces is. Mr. Mendoza said in Phase 1 the required number is 46 spaces and they are providing 92. After Phase 2, there will be a total of 112 spaces. He said the entire building will be medical.

Motion: Ms. Mayer moved to set BZA Docket No. 23-014 for Public Hearing on January 9, 2024.

Second: Mr. Raffin

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

Public Hearings:

- a. BZA23-012 Dave DeRolf is seeking a Developmental Standards Variances to allow a fence to be installed 14' 11" from the house at 8649 Greenwood Avenue.**

Mr. Mendoza explained that the Public Notice requirements were not met so the Public Hearing must be deferred to January 9, 2024.

Motion: Mr. Raffin moved to continue the Public Hearing to January 9, 2024.

Second: Mr. Hemingway

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

- b. BZA23-013 Steve Coppolillo is seeking a Developmental Standards Variance to allow signage that conforms to the Building Façade standards applicable to Drive Aisle Façade for Rosebud Steak House located at 9601 Calumet Avenue, Ste D.**

Mr. Mendoza explained that the Public Notice requirements were not met so the Public Hearing must be deferred to January 9, 2024.

Motion: Mr. Raffin moved to continue the Public Hearing to January 9, 2024.

Second: Mr. Hemingway

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

Continued Discussion Items/Other Business:

- a. BZA23-003 Saundarya and Srikanth Ravindran are requesting approval of a Developmental Standards Variances to permit the construction of a detached garage to increase the total number of garage spaces to five at 1621 Day Lily Lane.**

Mr. Mendoza said he received an email Monday morning (12/11/23) from the Ravindrans requesting to withdraw their petition.

Motion: Mr. Hemingway moved to accept the withdrawal and dismissal of BZA Docket No. 23-003.

Second: Ms. Mayer

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

- b. BZA23-010 Attorney Jim Weiser with Crew Carwash is seeking multiple Developmental Standards Variances for an off-site dumpster location, landscaping, and alterations to a pole sign at 111 Ridge Road.**

Mr. Mendoza said this petition was presented at a Public Hearing in November. They are now presenting a signed off-site dumpster agreement as well as maintaining the existing pole sign as presented, which is prohibited under the current sign codes. He also said they are proposing “winter business hours” as a solution to address last month’s business hours concerns. Crew Carwash is proposing winter operating hours of 7:00am to 8:00pm between the months of November through March. He said they have also addressed the screening and fencing between the business lot and the adjacent properties.

Jim Weiser of 429 W Lincoln Highway, Schererville, Indiana, introduced himself. He said they took all the issues into account. Travis Smith of Crew Car Wash had meetings with neighbors about the screening near homes and found more could be done. They are proposing a Trex composite 6' fence that is durable and long lasting. This would be similar to their Valparaiso location. Ms. Mellon asked for the total height of the structure. It was explained that the concrete knee wall must be replaced, it is 2 feet tall. The fence would be installed on top of this knee wall. The alley side is a grade higher. Katherine Rayner of Crew Car Wash said they have proposed an adjustment to the company business hours for this location with the "winter hours," which they will do year after year. Ms. Mayer asked about vacuums and the noise produced by them in a residential neighborhood. Mr. Smith said there will not be vacuums at this location. Their operation uses a drive in dryer room that has doors that automatically close and open, so the majority of the noise is contained in the dryer room.

Motion: Ms. Mayer moved approve BZA Docket No. 23-010 for an off-site dumpster location, reuse of existing pole sign, and landscape reduction in the 1st lot layer, with the following conditions:

1. 6' H fence be installed on top of the reconstructed retaining wall.
2. The proposed winter hours of 7am to 8pm between November to March be implemented.
3. No vacuums facilities will be installed on the site.

Second: Mr. Raffin

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

Findings of Fact:

- a. **BZA23-011 Attorney Scott Yahne for Floyds Concern, LLC received Developmental Standards Variances approval for building set back, parking requirements, and private lighting design at Three Floyds Taproom at 9750 Indiana Parkway.**

Motion: Mr. Raffin moved to approve the Findings of Fact for BZA Docket No. 23-011 as presented.

Second: Mr. Hemingway

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

Additional Items for Discussion:

Ms. Mayer asked for an update on the garage issue at the residence of Mr. Dust at the corner of Fran Lin and Oriole. She said this was prior to Mr. Mendoza's time with the Town but she'd like to know if a letter would be going out to Mr. Dust. Mr. Anderson said he would provide an update by the next meeting.

Mr. Raffin thanked Ms. Mellon for her service to the Town and to the community for the past 8 years.

Next Meeting: Mr. Buksa announced the next regular business meeting will be held on January 9, 2024, beginning at 6:45 pm.

Adjournment:

Motion: Mr. Raffin moved to adjourn.

Second: Ms. Mayer

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

Meeting adjourned at 7:17 pm

Chairman
Board of Zoning Appeals

Date of Approval

Executive Secretary Sergio Mendoza
Board of Zoning Appeals

Date of Approval