

BOARD OF ZONING APPEALS STAFF REPORT

То:	Members of the Board of Zoning Appeals Sergio Mendoza, Planning Director				
From:					
Meeting Date:	May 14, 2024				
Agenda Item:	BZA 24-001				
Application Type:	Developmental Standards Variances				
Hearing:	Public Hearing				
Summary:	Aaron Adelman with SMJ International, representing Tesla, is requesting a variance from Section 26-6.701.B.1. to permit twelve 18"W x 2.5"H double sided internally illuminated Tesla Logo signs on each of their Electric Vehicle (EV) charging stations located in the Target parking lot at 8005 Calumet Avenue.				
Applicant:	Aaron Adelman with SMJ International, representing Tesla				
Property Address:	8005 Calumet Avenue.				
Current Zoning:	CD-4.A - General Urban-B Character District				
Adjacent Zoning:	North: CD-4.A - General Urban-B Character District South: CD-3.R2 — Neighborhood 60'Lot One Family Residence East: CD-4.A - General Urban-B Character District West: CD-4.A - General Urban-B Character District				
Action Requested:	Motion to Approve				
Actions Required:	Motion to Open Public Hearing Review Conditions of Approval Questions Review of Zoning Code(s)				
Staff Recommendation	: Motion to Approve				
1005 F Po	tidge Road ● Munster, IN 46321 ● (219) 836-8810 ● Police/Fire Emergencies 911 lice Non-Emergency (219) 836-6600 ● Fire Non-Emergency (219) 836-6960				

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Attachments:

- 1. Variance Application, Exhibit A (pg. 7)
- 2. Conditions of Approval Questions, Exhibit B (pg. 10)
- 3. Tesla Plans, Exhibit C (pg. 11)
- 4. EV Charging Station Data Sheet, Exhibit D (pg. 32)
- 5. BZA Minutes Excerpts, Exhibit E (pg. 34)
- 6. Previous Staff Reports regarding Tesla Use, Exhibit F (pg. 41)

PROJECT LOCATION

8005 Calumet Avenue, Target parking lot.



PROJECT BRIEFING

The use of the EV Charging Stations was discussed at the Board of Zoning Appeals on November 15, 2022, and March 14, 2023. At these meetings it was determined that EV charging stations and infrastructure are not defined in the Munster zoning ordinance and that EV charging stations are distinct in that common practice has been to install this types of uses within existing parking lots as an accessory use to a residential, commercial, civic, or manufacturing use and they are not typically installed as primary uses. The minutes of these meetings identify a catch-all provision which reads, "any accessory use that is customarily found in this district is permitted." The Board concurred that this use meets that provision and that the EV Charging Station and should be considered an accessory use. Discussion ensued with respect to standards, it was advised that all development standards would be required to meet our zoning code of the primary use, *i.e.* minimum parking spaces, location of parking spaces, landscaping, site lighting, screening of utilities and infrastructure, and signage standards. Examples of standards were presented in the minutes and only signage standards identified for the purpose of informing the public of a certain size would be permitted.

Aaron Adelman with SMJ International, representing Tesla, is now requesting a Developmental Standards Variance because Tesla now finds a hardship in meeting Munster's sign standards. The difficulty lies in that our zoning codes does not regulate signage for EV Charging Stations. The request is to allow twelve 1'-6" x 2.5" existing double sided internally illuminated Tesla Logo Signs on each of their 12 Electric Vehicle (EV) Charging Stations located in the Target parking lot at 8005 Calumet Avenue. Mr. Adelman has also stated the proposed size and internally illuminated Tesla logo signs are standard on all their EV Stations, see Image 2. Currently the only other signage, permitted under the sign standards, signs on bollards that inform the public, installation detail on page D-2 of the Project Data Sheet of the staff report and referenced on a site plan, see Image 3.



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

SECTION 26-6.701 SIGN STANDARDS, B. General Sign Provisions (MZC pg. 332)

REQUIRED:	PROPOSED:
1. There shall be no Signs allowed other than as specified in this Section 26-6.701.	Twelve (12), double sided internally illuminated Tesla logo signs, one for each EV Charging Station. Tesla logo sign dimensions and square footage information missing.



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:

- 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 Exhibit B (page 10).

STAFF FINDINGS and RECOMMENDATION

Staff finds the applicant has complied with Public Notification requirements and on file the Certified Mailed Receipts and Proof of New Paper Publication in file BZA 24-001. Staff has also received confirmation of the proposed Tesla Logo Sign size (1'.6" x 2.5") and has advised the applicant of their failure to have representation at the Preliminary Hearing and reminded them of having presentation at the Public Hearing. Mr. Aaron Adelman with SMJ International, representing Tesla, has indicated that Tesla is experiencing some restructuring and there is uncertainty within the organization who will be represent this variance request at the Public Hearing.

In addition, staff also finds that the proposed twelve 18"W x 2.5"H double sided internally illuminated Tesla Logo Signs on each of their Electric Vehicle (EV) charging stations located in the Target parking lot at 8005 Calumet Avenue will not be injurious to the public health, safety, morals, and general welfare of the community and that the illuminated Tesla Logo Signs will actually alert the public when the charging station is operational. Staff also finds that the proposed Tesla Logo Signs will not adversely affect the value of the area adjacent to the property in a substantially adverse manner because the Tesla Logo Sign light luminosity is 108 lumens. At a distance of 20ft is 0.23 lux or 0.021-foot candle. Finally, staff finds that the lack of Development Standards in the Town's Zoning Codes for Charging Station signage will result in practical difficulties in the accessory use of the Tesla's charging station standard designs and would recommend approval.

MOTION

The Board of Zoning Appeals may consider the following motion:

Motion to APPROVE BZA 24-001, a Developmental Standards Variance for twelve 18"W x 2.5"H double sided internally illuminated Tesla Logo Signs on each of their Electric Vehicle (EV) charging stations, including all discussion and findings.



Exhibit A

Petition BZA _____ 001 Date: Application Fee: \$_____ Sign Fee: \$_____

Town of Munster Board of Zoning Appeals Petition Application

OWNER INFORMATION:

Target Corporation	
Name of Owner	Phone Number
PO Box 9456 Minneapolis MN 55440-9456	
Street address, City, ST, ZIP Code	Email address

APPLICANT OR PETITIONER INFORMATION (if different than above):

SMJ International o/b/o Tesla (Aaron Adelman)	616-916-3062		
Name of Applicant/Petitioner	Phone Number		
49030 Pontiac Trail, Suite 100, Wixom, MI 48393	aadelman@smj-llc.com		
Street address, City, ST, ZIP Code	Email address		

PROPERTY INFORMATION:

Tesla Charging Station Installation
Business or Development Name (if applicable)

8005 Calumet Ave.

Address of Property or Legal Description

APPLICATION INFORMATION:

Please select what this Application is for:

X Variance If yes, select one of the following:

□ Conditional Use

□ Administrative Appeal

Brief Description of Project and List of Variances or Conditional Uses Being Requested (if applicable):

Tesla is seeking a variance from the following developmental standard: "Section 26-6.701.B.1. There shall be no Signs allowed other than as specified in this Section 26-6.701. Tesla has been approved to install 12 charging stations in the parking lot of the Target located at 8005 Calumet. As part of this installation, they _will install a base charging station. On this charging station is the Tesla logo, when in operation, will_ illuminate. Tesla does not have the ability to install stations that do not have the logo nor do they have the ability to not illuminate the light. Understanding that the city does not want an abundance of signage, Tesla is agreeable to remove the other signs on site, should the board deem it necessary.

Contact Applicant
Phone Number
Contact Applicant
Email address
-

Page 7

Current	Zoning

□ Use X Developmental Standards

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

Tesla has an existing lease agreement with Target.



Petition BZA 24

001

Town of Munster Board of Zoning Appeals Application Signature Page

I hereby authorize <u>SMJ International</u> to act on my behalf as my agent in this petition and to furnish, upon request, supplemental information in support of this petition application.

02/27/24		
Date		
2/27/24		
Date		

Exhibit B BZA 24-001

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 approval of this variance will not be injurious to the community in any of the ways mentioned. The
lighting of the equipment will serve to ensure that the public knows the machines are operational and
 available for use. The illumination of the equipment will not encroach on the existing and proposed
lighting meant to illuminate the parking lot.

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 use will not be affected in an adverse manner. The approval of this variance will serve to improve the use and value of the area. The equipment will not function without the illuminated sign as it is part of the base charging station.

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:

Through the strict application of the terms of the zoning ordinance, Tesla is unable to put this location into operation. Unfortunately, the equipment with the illuminated sign is a critical part of the design of the charging station and cannot be altered (i.e. not lit or have the logo removed). Tesla understands the city's concerns with regard to an overabundance of signage. As such, Tesla is agreeable to removing other signage, if the board deems it necessary.

Attach additional pages if necessary

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TOP VIEW









Tesla Site Controller





Exhibit E The MUNSTER BOARD OF ZONING APPEALS MINUTES OF SPECIAL BUSINESS MEETING Meeting Date: November 15, 2022



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:
Sharon Mayer	Daniel Buksa
Roland Raffin	Brian Specht
Brad Hemingway	

Staff Present: Tom Vander Woude, Planning Director Dave Wickland, Attorney

Approval of Minutes:

Motion: Mr. Raffin moved to approve the minutes of the October 11, 2022, regular meeting. Second: Mr. Hemingway Vote: Yes – 3 No – 0 Abstain – 0. Motion carries

Preliminary Hearings: None

Public Hearings:

Additional Business/Items for Discussion:

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

Mr. Vander Woude said the zoning ordinance provides that ...If the Zoning Administrator is in doubt as to the meaning or intent of any provision of this Article... such person shall refer the matter to the Board of Zoning Appeals for interpretation and decision. He said representatives from the Tesla company submitted a Site Plan Review application in September of this year. The applicants proposed to install electric vehicle (EV) charging stations within the existing parking lot at the Target store at 8005 Calumet Avenue.

HE said EV charging stations and infrastructure are not defined in the Munster zoning ordinance. The closest type of defined use is a 'gas station' which is permitted with a conditional use permit as a primary use in CD-4.A, CD-4.B, CD-5, and SD-M districts. EV charging stations are distinct, though, in that they can be installed within existing parking lots as an accessory use to a residential, commercial, civic, or manufacturing use and are not typically installed as primary uses.

He said that while not listed specifically as an accessory use in the CD-4.A, CD-4.B, CD-5, CZ, SD-PUD, and SD-M districts, each one of these districts contains a catch-all permitted accessory use: Other Uses that are Subordinate and Customarily Incidental to a Permitted Principal Use. He said he is requesting a determination whether EV charging stations are to be considered a use that is subordinate and customarily incidental to a permitted principal use in the CD-4.A, CD-4.B, CD-5, CZ, SD-PUD, and SD-M districts. This determination will establish whether EV charging stations are a permitted accessory use.

He said if the Board determines that EV charging stations are a permitted accessory use, a business would be permitted to install or permit another company to install EV charging stations within its parking lot provided that all development standards are otherwise met. These standards include: Minimum parking spaces, location of parking spaces, landscaping, site lighting, screening of utilities and infrastructure, and signage standards.

He said that if the Board determines that EV charging stations are not a permitted accessory use, then he will refer the matter to the Plan Commission for discussion whether to amend the zoning ordinance. They would be approved administratively through the building permit process.

Mr. Raffin said he wouldn't want generators in front of commercial buildings. Mr. Vander Woude said generators would be screened from the parking lot. In Munster, they would require that the utility infrastructure be screened in some form fashion and minimum required parking spaces. Ms. Mayer asked if a generator was connected to the station at the Town Hall. Mr. Vander Woude said it is not a generator, it is a transformer. Mr. Vander Woude said his recommendation is that this would be

considered an accessory use that would be typically associated with commercial uses. Some have already been installed. They don't seem to be disruptive. Mr. Raffin said research needs to be done to see what other municipal codes have regarding charging stations. Mr. Vander Woude said he could research and summarize his findings. Ms. Mayer said she thinks it could be considered an accessory use.

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:	Members Absent:	Staff Present:
Daniel Buksa	Brian Specht	Tom Vander Woude, Planning Director
Sharon Mayer	Brad Hemingway	Dave Wickland, Attorney
Roland Raffin		

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:

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 arborvitaes 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.



Exhibit F pg 41 BOARD OF ZONING APPEALS STAFF REPORT

Summary:	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.
Application Type:	Request for Interpretation
Hearing:	N/A
Agenda Item:	N/A
Meeting Date:	November 15, 2022
From:	Tom Vander Woude, Planning Director
То:	Members of the Board of Zoning Appeals

BACKGROUND

SECTION 26-6.801 B. Referral to Board of Zoning Appeals for Interpretation states the following:

If the Zoning Administrator is in doubt as to the meaning or intent of any provision of this Article... such person shall refer the matter to the Board of Zoning Appeals for interpretation and decision.

Representatives from the Tesla company submitted a Site Plan Review application in September of this year. The applicants proposed to install electric vehicle (EV) charging stations within the existing parking lot at the Target store at 8005 Calumet Avenue. The plans are attached to this memo.

For reference, EV charging stations can be classified as follows:

- 1. Level 1 is considered slow charging and operates on a fifteen-to-twenty-amp breaker on a one hundred twenty-volt AC circuit.
- 2. Level 2 is considered medium charging and operated on a forty-to-one-hundred-amp breaker on a two hundred eight or two hundred forty-volt AC circuit.
- 3. Level 3 is considered fast or rapid charging and operated on a sixty amp or higher breaker on a four hundred eighty volt or higher three phase circuit with special grounding equipment. Level 3 stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

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In this instance, the plans include both Level 3 Tesla Supercharger stations that can be used exclusively by Tesla vehicles and Level 2 charging stations that can be used by any electric vehicle.



Figure 1 Example of EV charging stations in parking lot.



Figure 2 Example of EV charging stations in parking lot.



Figure 3 Example of EV charging stations in parking lot.

CURRENT ZONING

EV charging stations and infrastructure are not defined in the Munster zoning ordinance. The closest type of defined use is a 'gas station' which is permitted with a conditional use permit as a primary use in CD-4.A, CD-4.B, CD-5, and SD-M districts. EV charging stations are distinct, though, in that they can be installed within existing parking lots as an accessory use to a residential, commercial, civic, or manufacturing use and are not typically installed as primary uses.

While not listed specifically as an accessory use in the CD-4.A, CD-4.B, CD-5, CZ, SD-PUD, and SD-M districts, each one of these districts contains a catch-all permitted accessory use: *Other Uses that are Subordinate and Customarily Incidental to a Permitted Principal Use.*

Staff is requesting a determination whether EV charging stations are to be considered a *use that is subordinate and customarily incidental to a permitted principal use* in the CD-4.A, CD-4.B, CD-5, CZ, SD-PUD, and SD-M districts. This determination will establish whether EV charging stations are a permitted accessory use.

If the Board determines that EV charging stations are a permitted accessory use, a business would be permitted to install or permit another company to install EV charging stations within its parking lot provided that all development standards are otherwise met. These standards include:

- Minimum parking spaces
- Location of parking spaces
- Landscaping
- Site lighting

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- Screening of utilities and infrastructure
- Signage standards

If the Board determines that EV charging stations are not a permitted accessory use, then I will refer the matter to the Plan Commission for discussion whether to amend the zoning ordinance.

RECOMMENDATION

Staff recommends discussion and a motion stating whether electric vehicle charging stations are to be considered a *use that is subordinate and customarily incidental to a permitted principal use* in the CD-4.A, CD-4.B, CD-5, CZ, SD-PUD, and SD-M districts.