

MUNSTER BOARD OF ZONING APPEALS
MINUTES OF REGULAR BUSINESS MEETING
Meeting Date: May 13, 2025

The Board of Zoning Appeals held its regularly scheduled meeting on May 13, 2025, at Munster Town Hall, 1005 Ridge Road, in the Main meeting room and could be accessed remotely via Zoom Webinar, a video conference application.

Call to Order: Chairman Hemingway called the meeting to order at 6:00 pm

Members in Attendance:

Brad Hemingway
Jennifer Johns
Roland Raffin

Members Absent:

Sharon Mayer

Staff Present:

Sergio Mendoza, Planning Director
Nicole Bennett, Town Attorney
Denise Core, Administrative Assistant

Approval of Minutes:

Motion: Member Raffin moved to approve the April 8, 2025; minutes as presented.

Second: Member Johns seconded the motion.

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

Preliminary Hearings: None

Public Hearings:

Chairman Hemingway introduced BZA25-002 DEVELOPMENTAL STANDARDS VARIANCE: Alexander Alemis of Family Dental requests variances from Table 26-6.701.B Monument Sign Specific Standards for area and height at 131 Ridge Road.

Chairman Hemingway acknowledged that the Public Notice requirements had not been met for BZA Docket No. 25-002 and announced the Board would pass on the petition.

Chairman Hemingway introduced BZA25-003 DEVELOPMENTAL STANDARDS VARIANCE: Jim Glascott of WT Group representing the School Town of Munster requests variances from SECTION 26-6.405. O. 1. h. vii. I., Parking Lot Landscape Standards; Table 26-6.502. E. Public Lighting Head Type; Section 26-6.405.Q. 2. b. Pole Height; and Section 26-6.405.Q. 3.c., Color Temperature at 8823 Columbia Avenue.

Director Mendoza reported the location of this project is at the corner of Columbia and 35th Street. The School Town of Munster is proposing a parking lot which is about 120' X 321' with about 102 parking spaces, landscaping, new lighting, and the expansion of a storage facility that is on the site. They are seeking variances for the head type, the lighting, and the parking lot landscape requirements. He stated that in the most recent landscape proposal, they are buffering the entire parking lot along 35th Street as well as along Columbia Avenue. They are also proposing a landscape buffer along the residential property with a 6-foot fence. The ordinance requires landscape islands at the end of the parking rows as well as for every 10 parking spaces; they are seeking variance from those requirements. They are also seeking a variance from the lighting head type. They are proposing a cobra head type which is prohibited by the current zoning code; the permitted head types are coach, acorn, or colonial. They are

requesting the cobra head type light in various locations and at various heights. One of them is higher than 20 feet and is targeted towards in the batting cages; they need a variance for that. They are also proposing different type of classification of headlights to go along a proposed trail or walkway that will lead to the proposed parking lot. He said, essentially, they are asking for these variances to try and keep the parking lot as clear as possible for extracurricular activities, for events parking, and for whatever their needs may be. Chairman Hemingway asked if the board members had any questions for Director Mendoza, there were no comments.

Chairman said if the petitioners wanted to speak, they could come to the podium, sign in, and state their name, address, and who they represent.

Mr. Morgan Nolan, principal of Munster High School introduced himself, stating he lives here in the community at 9749 Whitehall Garden, Munster, Indiana. He said they are asking for these variances on this additional parking space within our John Friend Athletic Complex. He said the removal of the islands to give them the opportunity to use that for marching band. He said the islands would be in the way of them painting a mock field for marching. They could also go directly after school. He said they are limited in field space on campus and this would allow the marching band to start practicing on a daily basis, if they need to, on a hard surface that mocks up a football field, and then they can easily transfer it to a football field as practices or events kind of cycle through in the evenings. He added that this will make this parking lot more usable for them with those extracurricular events. He said the lighting variances are just to suit that area; they are trying to minimize the light from going into the houses and the neighbors in that area. He said they know that is a concern for the neighbors so they are looking at lighting options that can help reduce that concern and really just target specific areas. He said one of those target areas is to shine some light in the evenings onto their batting and bullpen area on the home side of the bleachers. He said that is an unlit area right now and unusable when the sun goes down; they need some additional lighting there for safety. The additional walkway lighting is to illuminate that area for pedestrians as they come in through the sports facility. He concluded by saying that the biggest request for variances is allowing the removal of landscape islands which gives them more flexibility to use that space as a mock football field for their marching band's needs. He said, unfortunately, the marching band gets demoted to the evening hours since the sports teams get priority on the football field and the practice field; this will also keep it closer to the street side. He said, the band are starting practice at 5:00pm, 5:30pm, or 6:00pm, depending on athletic events that are taking place. This would allow them to start closer to after school times at 3:00pm and get them off the campus sooner and not making noise for the neighbors.

Member Raffin said he assumes this lot will be used for overflow parking for big events. He said swimming was always a challenge with people parking all over the place and they need an addition to the campus for overflow parking. Mr. Nolan said parking is limited, particularly for the big weekend events but also for Friday night football games, baseball games, and soccer matches. He said they are unique in Northwest Indiana, and in the state, where both the middle school and high school use the same athletic outdoor facilities; there is no spillover athletic facility for the middle school. This campus is getting used all the time for a lot of students and a lot of community events so parking is pretty limited. He said the town and the school are looking to expand on some of the on-campus amenities so some parking may be lost with those expansions. They are trying to make sure they plan for the future; if they lose some parking spaces, they will gain some as they are planning these upgrades to the facilities.

Chairman Hemingway said he understands this lot would not be used for student parking. Mr. Nolan said they are not planning to use it for student parking because of the proximity to and the traffic issues on

Columbia Avenue currently. He said they contracted with DLA to do some traffic analysis. That analysis was approved through the town process and was completed a couple months ago; they are waiting for the report on that. They are also taking an analysis of some other traffic improvements on the school building campus side to help alleviate some of those traffic issues but having 100 kids park there during the day and trying to walk across the street is not advisable at this point in time. He said he can't say they won't look at that in 10 years if they eliminate some of the traffic issues; since is close to a light and a safe crossing zone relative to some of the other areas on Columbia Avenue. He said for now, it would be for the extracurricular events and the weekend events they have on campus now.

Mr. Jim Glascott said he is the principal in charge of civil engineering with WT Group, their address is 2675 Pratum Avenue in Hoffman Estates, Illinois. Member Raffin said there have been discussions over the last couple of months and he wants to make sure that the civil engineering issues have been addressed regarding drainage and the concerns of the residents behind the work zone. He said he was also looking through the drawings and he didn't see the depth of the light pole base. He asked how deep in the ground they were going. Mr. Glascott said, typically, about 6 feet in the ground. He stated that he thought that sheet was in the plans but may not have been submitted as part of this application; it is part of their electrical submittal.

Chairman Hemingway officially opened the public hearing. He asked if anyone from the public would like to come up to the podium, sign in and state their name and address.

John Goralczyk of 1144 35th Street said he is just east of this (project area). He they keep on calling these landscape Islands but they are not landscape islands, they are safety islands, and there's a reason for those safety islands for traffic in the parking lots. He asked why the band doesn't just stay where they are; they have the west end of the property that's owned by Munster and they should look into developing that area over there versus right next door to his house. He said there are times when his son works midnights and has to sleep; if the band is playing during those times, it is going to really disrupt his sleep. He said they are talking about doing a rec center; he'd rather see the rec center there and put the parking lot across the street, where the tennis courts are, so it won't be so close to his house. He said they could take that rec center, put bleachers on top of it, make it Wrigleyville, and you can look down on the baseball field. He said that is something that should be looked into versus disrupting his family and having a band next door. He concluded by stating he doesn't have any objections to the parking lot but he does object to a band playing next door.

Laurelyn Goralczyk said she lives at 1144 35th Street, Munster and is next to the field as well. She said it is pretty loud with the soccer over there and she is not looking forward to having a parking lot with a band playing into her house. She said she is closer than the houses at the other end who have the band. She said she is very close and it is not appropriate to decide that a band is going to blast into the side of her house 5 or 6 days a week. She said her husband had (previously) said that people need to sleep but mostly, it is the same measures played over and over and that is not a good thing for the school to do to them. She said Mr. Nolan said it would be possible every day and she doesn't want that next to their house every day. She said she is strongly opposed to the band, and not even thrilled with a parking lot next to her house with vehicles, especially buses, idling and filling her air with pollution. She said she will be complaining if the bus drivers don't turn off their buses; she said she has lived here 14 years and knows they don't. She said if this happens, she would like Resident Only parking signs to be put in front of the houses on 35th so they can still park there. She said her neighbor, who is just one house farther over, often can't get in and out of her driveway at the beginning and end of the school day because people are parking all over the place. She said she is working at those times but her neighbor has

informed her that often her driveway is even blocked and she can't get in and out so they would like Resident Only Parking signs. She said the church got No Parking signs on their side of 35th Street years ago. She said Mr. Nolan stated that the students would not park there yet, or at this time but it sounded to her like it could change and become a student parking area in the future. She asked what has to be done for that change to happen, because he (Mr. Nolan) hasn't promised they won't be parking there. She asked how they would know if that is going to change, if there be a vote or a letter that they have to sign. She said they are asking for a lot more congestion at their homes and they are on a busy street already. She asked for more information on the priority of the use, the expected start and end times, and length of the band practices and if she could get a guarantee of that.

Member Raffin asked Ms. Goralczyk what year they moved in. Ms. Goralczyk said in 2009. Member Raffin said he built right across the street from a park in 2001. He said he knew a park was there, he knew there was going to be traffic there, he knew that 200 football players were going to use it, he knew Pop Warner was going to use it. He said he is sympathetic to the traffic on their street but the street is for everyone's use, whether it's parking or not. He said he has troubles getting out of his driveway right in Cobblestones because they have Little League, Pop Warner, Lacrosse, youth baseball, and soccer, but he also built there, knowing that there was a park, and there was going to be congestion. He said he is part of the community and he wants the community to thrive, he wants kids at parks, and he wants kids at schools. He said that's important because we have a strong community. He said sometimes we all have this "not in my backyard" mentality but the greater good is making sure our Munster facilities are good and that we have kids using them instead of being out on the street. Instead of everyone coming up here and saying, "Oh, because it's in my backyard, you can't be here", they should remember that the school has been there since 1960 and he is just pointing out some obvious facts. Ms. Goralczyk asked if he wanted the band to play into the side of his house. Member Raffin said he has kids yelling and playing music at Cobblestone Park every night. He said she can go there right now and his street on Treadway Avenue is packed with people but, once again, he moved there and built the house there, knowing that there was going to be a park there, and there were going to be kids there. He said he was hoping it was going to be active, because that's what a good community does. Ms. Goralczyk said she didn't mind the soccer; it was loud, sometimes with inappropriate music, but it wasn't a parking lot, and she didn't know that a soccer field would become a parking lot. Mr. Raffin said the school owns the land and it is no different than if a business like Community Hospital wants to add a parking lot because their needs change. There are things that the school needs at certain times and they also control the land. Ms. Goralczyk asked how she would see the vehicles coming down the street with all those new buffer trees when she's backing out of her driveway, adding that it is difficult already watching for cars and kids and she doesn't want to see or be involved in an accident. Member Raffin said he didn't think there were trees on her parkway. There ensued a discussion on the location of the buffer trees and their expected locations in relation to the fence, the sidewalk, the apron, and the street. It was suggested that Mr. Glascott, the civil engineer, could address the line-of-site questions. Ms. Goralczyk concluded by saying she was not thrilled with the trees or the noise from the band. She wants to know what time the band practices will end and if there will be answers to her questions. Member Raffin said we have Town ordinances when it comes to noise, and the Town will follow the Munster code no differently than a neighbor playing music till 9:00 at night. He said the Town Attorney is in attendance and she can get Ms. Goralczyk you all the information on the noise ordinance.

Laura Stuart of 1209 Fisher Street said she moved here in 2001 and the first year she came home on the Fourth of July weekend and could hardly get into her neighborhood; she didn't know they shot fireworks off right there and that they melted on their roofs, on their cars, in their pools and everything else. She said she lived in the second house off the field in 2001 and in 2008, they made changes to the field and

10 lights flashed on the side of her house. She said just because the volume goes all the way up, that doesn't mean they have to turn it all the way up. She said when she called to complain about the noise, they said it was the school as if they didn't have to abide by any orders and no one is measuring them. She said when she moved to the third house off the field, she called the school in the middle of the day when she couldn't even hear herself, and they said, "I'm sorry we can't hear you", and she told them that she can't hear herself and the noise is coming from the school's speakers. She said on Saturdays, kids are playing foul, nasty music, and nobody is in charge. She asked why she always has to call the call the police for someone to take care of those things. She said she also had concerns with the trash; she said at the School Board meeting she gave Mr. Castro a nice bag (of garbage) from last week, and he wasn't very pleased but they don't maintain what they have now. She said the trees along that parkway are going to be horrible; she has gone to the Goralczyk's house many times, and it's difficult to back out the way it is now and the second house has a garage that goes under the house, so they have to come up and into the street, so that will be awful. She said many of the streets that are east of that area don't even have sidewalks so the kids and people walking their dogs are in the street. She said right now, she's on a dead end and a lot of people don't stop at that stop sign. She said since the last meeting, two school buses- Highland and she doesn't know what the other one was- have come down that dead end but she guessed they couldn't read the signs. She said they have a lot of problems back there and they have the noise. She said she knows what the band was like next to her house. She said she has since built a new house and insulated with spray foam. She said the houses were built in 1962 so they were there early, too, but (her neighbor's) houses aren't (insulated), and she doubts that they can just move to the next lot over and build a new house. She said she feels for them because she knows what it's like. She said after the last School Board meeting, Kristen Smith walked over to see what her concerns were, and when she said her biggest concern was the marching band on that lot, Ms. Smith said the marching band is not going to practice there; she knew nothing about it and the School Board wasn't aware of it and it wasn't presented to them that way. She said she pulled up the email that Ms. Capo got from Mr. Nolan stating that the marching band was going to practice there and Ms. Smith seemed a bit surprised. She said she gives Ms. Smith credit because within days of her complaint about the garbage, she was in that field picking up the trash, and they have been picking it up ever since. She said that most are not able to see this, but she, her mother and her brother have a house on the ditch line and any trash that goes into the retention pond, from their trees, or from their lot goes in the creek. She said the school owns the land up to the center of the ditch and they don't maintain it so all the junk floats down the creek and into their yards. She said they would just like it all to be cleaned up.

Chairman Hemingway asked if there was anyone else who wished to speak. There were no additional comments; he closed the Public Hearing and brought the proceedings back to the Board.

Member Raffin asked for clarification on the variances. Director Mendoza confirmed that the variances are for the light head type, the light fixtures, and the landscape islands. Member Raffin said since everything else meets code, they have the right to build it. Attorney Bennett pointed out that the parcel of land in this petition requesting these variances is the same parcel of land that encompasses the football field, the practice field, and the baseball field; this property goes all the way down to just about 30 feet from the bike paths. She said this is important because the use of this property is obviously school property and it is used for these recreational sports facilities. She said related uses to that, all related and permitted, are the parking facilities, bleachers, student access, and activities are all that same situation. She said her job is to advise the Board from a legal standpoint, and as Member Raffin had pointed out, the requests are specific to this property. The Board is not discussing or addressing the related use for a parking lot and where it is located on the property; it is not in this Board's discretion to say where a parking lot can or cannot be. If the issue is whether or not to grant a variance from the

parking standards. She said that is one thing but the issue of the location is another because that is a tangential use to the school sports fields and the school facility itself, so they can place that on this property. She said the lighting, related to developmental variances, is within the Board's purview to determine how they want to handle that. She said all of the items are related to what is proper under, not only the existing code but was also contraindicated as far back and preceding the 1961 code, for zoning purposes and what would be allowed at that time. Chairman Hemingway thanked Attorney Bennett. Member Raffin said we have had several meetings on this same type of light fixture so it might be better to get this into the current code rather than waiting for a zoning ordinance because they have the same fixture at the orthopedic surgeon offices and several others. He said they would probably be better off trying to make a separate ordinance to get this into the hands of Plan Commission. He said he has considered Attorney Bennett's explanation regarding the legal duties of the Board of Zoning Appeals and that the parking lot meets code except on two items, the private lighting standards and parking lot islands. He made a motion to grant the variances. He addressed Mr. Nolan by saying he has known him for a long time and he is a very good principal. He said he has heard members of the community express their concerns about the trash, and band practices and other things and asked that they be good neighbors.

Motion: Member Raffin moved to approve BZA Docket No. 25-003 Approving Developmental Standards variances from SECTION 26-6.405. O. 1. h. vii. I., Parking Lot Landscape Standards; Table 26-6.502. E. Public Lighting Head Type; Section 26-6.405.Q. 2. b. Pole Height; and Section 26-6.405.Q. 3.c., Color Temperature at 8823 Columbia Avenue.

Second: Member Johns seconded the motion.

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

Findings of Fact:

Chairman Hemingway introduced BZA25-001 DEVELOPMENTAL STANDARDS VARIANCE: Marc Smith of E. Anthony Inc. on behalf of Orthopedic Specialists of Northwest Indiana (OSNI) received conditional approval for variances from Table 26-6.405.Q-1. Private Lighting Types, Section 26-6.405.Q. 2. b. Pole Height; and Section 26-6.405. Q. 3.c. Color Temperature at 9900 Columbia Avenue.

Motion: Member Raffin moved to approve the Findings of Fact for BZA Docket No. 25-001.

Second: Member Johns seconded the motion.

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

Continued Discussion Items: None

Other Business: None

Next Meeting: Chairman Hemingway announced the next regular business meeting will be held on June 10, 2025.

Adjournment:

Motion: Member Raffin motioned to adjourn.

Second: Member Johns seconded the motion.

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

Meeting adjourned at 6:35 pm

Chairman Brad Hemingway
Board of Zoning Appeals

Date of Approval

Executive Secretary Sergio Mendoza
Board of Zoning Appeals

Date of Approval

DRAFT