

**TOWN OF MUNSTER
BOARD OF ZONING APPEALS MINUTES
JULY 12, 2011
7:00 P.M. REGULAR MEETING**

Call meeting to order - The meeting was called to order at 7:00 PM by Richard Lasky, Chairman of the Board of Zoning Appeals.

Roll call -

Members present:

Stuart Friedman
Jill Hasiak
Richard Lasky
Sharon Mayer
Michael Mellon – TC Liaison
Joseph Simonetto

Members absent:

Staff present:

Steve Kennedy
Clay Johnson

Pledge of Allegiance

Approval of Minutes – Mr. Simonetto made a motion to approve the June 14, 2011, minutes as amended. Mr. Friedman seconded the motion. It was passed by a vote of 5 to 0.

Preliminary Hearings – **BZA 11-008 – Ben Schmid, 1315 Fitzgerald Drive** – Dr. Schmid explained to the Board that he was seeking a variance for a free-standing structure consisting of solar panels. This structure would be placed upon polls which were secured to the ground by concrete piers. The platform would be made up of 12 panels and not exceed a height of 8'5". The structure will be fixed rather than tilt with the movement of the sun. Mr. Johnson explained that the reason for the variance is to allow the BZA to begin discussion on their thoughts on solar panel structures. The odd nature of this request prompted the need to seek a variance. An ordinance has been discussed internally regulating solar structures and input from the boards will help creation of the ordinance.

Mr. Simonetto asked how the electricity generated from the solar panels would interconnect with NIPSCO. Dr. Schmid said that it would interconnect underground with the existing feeder lines.

Ms. Hasiak asked how much energy he planned to save through the installation of these panels. Dr. Schmid responded that he would save 60% of their usual electric usage. Ms. Hasiak asked if he planned on selling the excess to NIPSCO; Mr. Schmid responded in the affirmative.

Mr. Friedman asked why the applicant did not prefer to have this structure on his roof. Dr. Schmid explained that the layout of his roof is not conducive to such a structure. In addition, the roof needs replacing and removing solar panels can be troublesome and may create holes in it. Mr. Nellans added that often these rooftop structures require extra reinforcement from the underside of the roof.

Mr. Lasky asked if there would be any removal of trees. Dr. Schmid said that they had planned for this structure and had no trees in the back yard blocking the panels. After a question from Ms. Hasiak, Mr. Schmid explained that he has fencing along the sides of the property, but nothing on the back. A property off of Tamarack Dr. backs up to his property.

Mr. Friedman asked if the applicant could bring pictures of a similar structure for reference at the public hearing, and Ms. Mayer asked if the applicant could also bring pictures of his back yard. Mr. Nellans asked staff if the BZA could get an idea of what other residents have done in the past with solar panels.

Mr. Simonetto moved to set this item for public hearing; seconded by Ms. Mayer. The motion carried, 5-0.

BZA 11-009 – Three Floyds Brewery, 9750 Indiana Parkway – Mike Matthys of Linden Group, explained that the applicant was seeking relief from the 20' setback from the side property line for a new addition at the facility. They are also asking for a signage variance for a 7'x7' logo on a new grain silo to be installed. Mr. Matthys explained that due to the current configuration of the facility, food prep occurs on one side of the building, must be brought through the brewing facility, and be finished in the kitchen on the other. This practice is discouraged by the county and state health inspectors. The applicant had met with their adjacent neighbor to the south who stated that he was not opposed to the project and favored the idea of the privacy fence and screening between the two properties.

Mr. Lasky asked about the current "bumpout" on the site plan at the building and if it received a variance. Mr. Johnson stated that after a search of all the records at this address, there are no records of a variance for that addition. Mr. Lasky also asked if the signage would be illuminated. Mr. Matthys said no.

Mr. Simonetto moved to set this item for public hearing next month; supported by Ms. Hasiak. The motion carried 5-0.

Public Hearings - BZA 11-004 – School Town of Munster, 1301 Fran-Lin Parkway - Dan Szany of Carras-Szany-Kuhn Architects and Sue Vauter of the School Town of Munster described the project to the BZA. Mr. Szany stated that the proposed project is an extension of the current parking lot to the east of Frank H. Hammond Elementary School that is used for some faculty/visitor parking and for pick-up/drop-off. The project also is taking the adjacent sidewalks and fixing them due to their poor condition. The architect stated that this project will require the cutting of some trees which may make them fall below what is required by code. To reconcile this issue, the School Town is willing to plant numerous bushes and ornamental grasses to enhance the landscape of the parking lot. However, the School Town must seek a variance from the landscape ordinance requiring the need for irrigation and ornamental fencing. The School Town stated that vegetative swales and current watering of the property should eliminate the need for irrigation and the addition of a fence would make the school feel "closed off."

Mr. Szany stated that the addition of parking stalls totals about 70, essentially doubling the size of the current lot. Ms. Vauter claimed that parents parking on the grass has become an accepted practice and damages the school grounds in addition to causing traffic problems.

Mr. Friedman asked how many trees would be removed at the site. Mr. Szany said that he believed 8 trees would be removed, but trees within the parkway would all be staying. Mr. Szany said they would use shrubs supported by the Town to replace the trees about 3-4' in height.

Mr. Friedman also asked about the sidewalks at the site. Mr. Szany stated that the sidewalks would be replaced because of their poor condition about 7' from the property line. No sidewalks would be eliminated.

Mr. Friedman asked if the number of handicap parking stalls was to code. Mr. Szany said that there were 4 for ~140 which, as Mr. Nellans confirmed, meets the 2% requirement. Mr. Friedman believed that four handicapped stalls were not sufficient, and that he would like to see more added. Chief Scheckel suggested that stalls be marked with handicap markers during special events rather than designate them as handicapped all the time. Mr. Friedman indicated that this would be acceptable.

Mr. Lasky opened the floor for public comment.

Miriam Marcus, 1907 Redbud Lane, spoke in favor of the project. She stated that she has two children at the school and works on the school's Safety Committee. The committee entertained a number of different possibilities to improve the safety of school children and found this to be the best option. She hoped that denial of the variance would not prohibit the creation of this parking lot expansion.

Becky McKeever, 1009 Heather Lane, also spoke in favor of the project. She noted that as a Safety Committee member, the proposed project would help eliminate traffic congestion and allow for people to park in legitimate stalls and not on school greenspace.

Steve Scheckel, Munster Chief of Police, stated the parking lot is the result of a number of meetings and discussions regarding traffic and safety at the school. He stated that the Munster Police Department supports the project to help eliminate the traffic problems at the school.

Ms. Nancy Ellis, Principal of Frank H. Hammond Elementary, stated that the additional parking would help create a safer parking procedure at the school for pick-up/drop off periods.

Mr. Lasky closed the public comment session.

Mr. Simonetto moved to grant the variance for omission of the irrigation and ornamental fencing as required by the landscape code. The motion came with a number of conditions: 1) the addition of up to 4 temporary pile-ons for handicap spaces at special events at the school, 2) mature bushes and shrubs be placed along Elmwood Drive to prohibit walking through the parking lot, 3) the dedicated walkway extends all the way to the sidewalk on Elmwood. The motion was seconded by Mr. Friedman and carried 5-0.

BZA 11-005 Harrison-Ridge Square, PIMA Properties, 435 Ridge Road – requesting a special use permit for outdoor dining. Mark Kresno, PIMA Properties 612 W. 81st Avenue, Merrillville, IN, spoke as the property manager for Harrison-Ridge Square. Mr. Kresno stated that they were discussing with a potential tenant who would like to locate a restaurant facility at the former Café Elise property. Mark Oprisko, the potential tenant, told the Board he would like to open a bar/grill facility at this property which included outdoor dining. He explained that he has met with the architect and plans to improve the façade along Ridge Road. He also explained that he has obtained a three-way liquor license.

Mr. Cleon Stutler, architect for the applicant described the façade changes to the former Café Elise building. He stated that the mansard roof would be replaced, and a new window added to match the one currently at the site. A stainless steel fence would wrap about half of the outdoor dining while the rest would be screened with shrubs. This half fencing/screening proposal is satisfactory to excise police and the property owner.

Mr. Kennedy explained the circumstances of the failure to notify all residents within the 200' radius, due to a failure of the county's GIS system to report all the addresses within the area. Mr. Kennedy suggested that a public hearing continue, as scheduled, this evening but the decision to be continued until next month.

Mr. Lasky asked about the hours of operation for the establishment. Mr. Oprisko said that he has a license that allows liquor sales from 11:00 AM-3:00AM, but he would be agreeable to an 11:00 PM closing of the outdoor dining facility.

Ms. Hasiak asked if the outdoor dining would be a safety concern from Ridge Road. Mr. Nellans stated that the curbs and elevation of the area should provide adequate protection.

Ms. Hasiak also asked if the owner planned on piping music outdoors. Mr. Oprisko said no and that if he were to have live music outdoors, he would meet with the Town beforehand.

Mr. Lasky asked how the outdoor area would be lit. Mr. Stutler said that lighting would be mounted along the south wall.

Mr. Nellans asked what would happen to the signage for tenants. Mr. Oprisko stated that he believed the tenant signage would be moved and consolidated on the south wall of the opposite building.

Mr. Lasky opened the floor for public comment.

Tracy Martin, 8245 Harrison, stated that PIMA Properties has not been a good neighbor and does not maintain their facility. He has worries about a bar that remains open until 3 AM for noise and traffic issues.

Teresa Bakker, 8215 Harrison, stated that even with indoor dining, noise echoes and can become troublesome. She also worries about trash around the site.

Harriet Rankin, 8220 Harrison, Park Ridge Condominiums, has units that overlook the Harrison Ridge Square. She believes that while outdoor dining can add charm to a community, she believes 3AM is running too late. She worries about the litter and clientele that would be generated at the site.

Gretchen Hogan, 8243 Harrison, currently has lights shining into her home from the Square and believes the problem will increase if this special use permit is approved.

Jim Nagle, 2147 E. 175th, Lansing, IL, of PIMA Properties spoke as the seven year owner of the property. He stated that he believed that the Harrison Ridge Square was in good shape and that they have had experience rehabilitating a number of properties in the area. Claimed that numerous clients have approached PIMA, inquiring on moving to the Square.

With no one else wishing to speak, Mr. Lasky closed the floor to comment.

Mr. Simonetto moved to continue the hearing until next month; it received support from Mr. Friedman and carried 5-0.

BZA 11-006 – A-1 Expeditors for CVS Pharmacy, 801 Main Street – Nancy Long, A-1 Expeditors, spoke on behalf of CVS. She informed the board that she would be seeking a variance for an additional 40 square feet of signage that will be placed along the south and west elevations. The new signs would promote CVS's new on site "minute clinics." Ms. Long pointed out that not all CVS clinics would offer this service.

Ms. Hasiak asked if there were any alterations to the monument sign. Ms. Long said that the new signs were only for the wall.

Mr. Simonetto asked if alterations to the monument sign would be considered in lieu of more wall signage on the west elevation. Ms. Long believed that would be a fair concession.

Mr. Lasky opened the floor for public comments.

Roland Raffin, 10230 Windsor Place, stated that his company worked on the CVS building and is a neighbor to the facility. He is torn between the need of the business and the desire to limit signage. He hopes the BZA keeps color and consistency in mind when making this decision.

The owner of Harley-Davidson, 10350 Calumet Avenue, stated that CVS are good neighbors and has no objection to the signage.

Mr. Lasky closed the public hearing.

Mr. Simonetto asked if the "Minute Clinic" is open and busy. Ms. Long stated that the program was launched at the end of June, but couldn't speak to their traffic.

Mr. Friedman recalled the amount of signage previously requested and that the Plan Commission limited it to the current amount.

Mr. Simonetto moved to continue the hearing until next month and requested a representative from CVS to attend the hearing. Ms. Mayer seconded the motion. The motion carried 5-0.

BZA 11-007 – Site Enhancement Services on behalf of Red Lobster, 9311 Calumet Avenue –

Charlie Schalliol, Site Enhancement Services, South Bend, IN, asked the board for the granting of a variance for a pole sign located at the restaurant facility. The reason for the change is aesthetics. As a part of spot remodeling, certain Red Lobster restaurants are getting branding updates. The new sign cabinet would be sleeker, with a more modern look. The problem with using it as a monument sign is that it would be blocked by landscaping running the length of the block and a large transformer cabinet located directly next to the sign. Mr. Schalliol stated that only the logo and text were internally illuminated. Mr. Schalliol then presented a packet of information and described the proposed sign.

At the Board's suggestion, the applicant added some low-laying landscaping around the base of the pole. The Board was satisfied with what was shown in the elevations.

Mr. Lasky opened the floor for public comment.

Corinne Cox, 9336 Larch Dr., asked when the construction would take place. Mr. Schalliol said that they would work typical daylight hours and the sign would be installed between lunch and dinner. Ms. Cox said that construction sometimes has gone well into the night and did not want to see that occur. Mr. Schalliol said that he would pass that information along to the contractor.

Mr. Simonetto moved to approve this variance with the condition that the applicant install low-laying landscape as demonstrated in his packet; seconded by Ms. Hasiak. The motion carried, 5-0.

Findings of Fact— NONE

ADDITIONAL ITEMS –

Reminder the next regular meeting will be August 9, 2011, at 7 p.m.

Adjournment –Ms. Hasiak made a motion to adjourn the meeting; seconded by Mr. Simonetto. The meeting was adjourned at approximately 9:10 p.m.

Chairperson, Munster Board of Zoning Appeals

Date _____