

MUNSTER BOARD OF ZONING APPEALS
MINUTES OF REGULAR BUSINESS MEETING

Meeting Date: October 16, 2019

Date of Approval: _____

Call to Order: A regular business meeting of the Munster Board of Zoning Appeals was held in the Munster Town Hall, Munster, Indiana on October 16, 2019. The meeting convened at 7:00 pm, Chairman Petersen presiding and Tom Vander Woude, secretary.

Pledge of Allegiance

Members in Attendance:

Jonathan Petersen, Chairman
Daniel Buksa
Stuart Friedman
Sharon Mayer
Dave Nellans, Council Liaison

Members Absent:

Roland Raffin

Staff Present:

Tom Vander Woude, Planning
Director

Approval of Minutes:

Mr. Friedman noted an awkward phrasing in the minutes and suggested an amendment.

Motion: Mr. Buksa moved to approve the minutes as amended for the regular business meeting of the Munster Board of Zoning Appeals of September 10, 2019.

Second: Ms. Mayer seconded the motion.

Discussion: None.

Vote: Yea – 4 Nay – 0 Abstain – 0.

Resolved: Motion carries.

Preliminary Hearings

- a. **BZA Docket No. 19-007 Rogelio and Almira Torres requesting a developmental standards variance from Sec. 26-517 of the Munster Zoning Ordinance to permit the storage of a camper in a side yard at 8796 Jefferson Avenue.**

Mr. Vander Woude presented his staff report. He stated that the petitioners are seeking to construct a concrete drive and pad to store a camper to the west of their residence at 8796 Jefferson Ave. He stated that the Munster zoning ordinance prohibits storage of personal property such as a camper in a side or front yard. It must be stored in a rear yard, on a paved pad, and must have a screening fence. He stated that the subject property is a corner lot and because the petitioner's front door is located on the north side of their residence, the proposed location is considered a side yard. He noted that if the door was on the east side of the house, the proposed location would be considered a rear yard. He further noted that the petitioners have constructed a screening fence.

Ms. Almira Torres stated that she and her husband have lived in their house for 12 years and purchased a camper 5 years ago. She said they store it offsite. Mr. Friedman asked whether it will be seen from the street and stated that he was concerned about aesthetics.

Ms. Mayer asked whether a camper could be stored in a side yard. Mr. Vander Woude stated that the ordinance only permits storage in a rear yard. Mr. Petersen said it would be difficult to access a backyard with a camper. Mr. Vander Woude stated that it can be done, especially if there is a detached garage. Ms. Mayer asked the length of the camper. Ms. Torres responded that it is 28 feet long.

Ms. Torres stated that they currently store the camper off site, but every year while they prepare the camper for camping they park it in the street, but they're limited to three days, which can be difficult. She said they pay \$2,000 a year to store it. She said the previous building inspector, an older gentleman, informed her that she could store a trailer in her side yard as long as there is a fence. She pointed out that there is a house on Harrison where a trailer is being stored in a side yard. Mr. Petersen stated that the job of the Board is to ensure the best interests of the community. He stated that the burden is on the petitioner to prove a hardship and said a monetary burden is not a hardship. He said that Ms. Torres should be prepared to attest to the effect of the variance on property values and suggested professional expertise might be helpful.

Motion: Mr. Buksa moved to schedule a public hearing for BZA Docket No. 19-007 at the next regularly scheduled meeting.

Second: Ms. Mayer seconded the motion.

Discussion: None.

Vote: Yea – 4 Nay – 0 Abstain – 0.

Resolved: Motion carries.

At this point, Mr. Buksa left the meeting.

b. BZA Docket No. 19-008 Ryan Hyllested of Kimley-Horn and Associates on behalf of Target Corporation requesting developmental standards variances from Section 26-1302 of the Munster Land Development Code to waive the requirement to install and maintain landscaping for a remodeling project at 8005 Calumet Avenue at a cost that exceeds \$10,000.00.

Mr. Vander Woude presented his staff report. He stated that the Target Corporation is seeking to modify their façade and remodel their store. They had received sign variances and development plan approval for their project. The cost of the project exceeds \$10,000 so they are required to comply with the landscaping ordinance. He said Target has developed a landscaping plan that enhances their existing landscape areas and includes a new landscaped area south of the building. He stated that they are unable to comply with the internal landscaped area requirements and the minimum 7' perimeter landscaping requirement without removing 62 parking spaces. He noted that the Board has on multiple occasions granted variances from the landscaping ordinance when it conflicts with the zoning ordinance minimum parking standards.

Amy Henry of Kimley-Horn, representing the petitioner, noted that in addition to the landscaping mentioned by staff, they are adding a living screen wall to the front elevation.

Mr. Petersen asked whether Target has determined the monetary value of the variance being requested, since it is substantial, and he inquired whether Target would be willing to donate that value

to the Town for use elsewhere. Mr. Friedman noted that the Plan Commission had requested a donation for public art for a project. Mr. Nellans stated that the Town in the past had a public art program funded by private developments. Ms. Mayer stated that she believed the living wall constituted sufficient beautification, which Target agreed to as a condition of receiving their sign variances. Mr. Petersen stated that the variance being requested is substantial and that there would be a monetary hardship if they lost 62 spaces. He would like to see an investment commensurate with the Town's relief. He would consider a work of art or some other beautification. Ms. Mayer said that she appreciated Petersen's comments, but that the Board should have requested that at the beginning as part of the original variance or development plan. Mr. Petersen stated that this is a separate variance. Mr. Nellans said that it is complicated because their requests are being made piecemeal, but he is not opposed to another enhancement. Ms. Henry stated that they are installing additional shrubs and trees. Mr. Nellans asked whether the plantings meet the Town standards. Mr. Vander Woude stated that they do.

Motion: Mr. Friedman moved to schedule a public hearing for BZA Docket No. 19-008 at the next regularly scheduled meeting.

Second: Ms. Mayer seconded the motion.

Discussion: None.

Vote: Yea – 3 Nay – 0 Abstain – 0.

Resolved: Motion carries.

Public Hearings

a. None.

Findings of Fact

- a. BZA Docket No. 19-006 Ted Vinyard requesting a developmental standards variance from Section 26-1302 of the Munster Land Development Code to waive the requirement to install and maintain landscaping for a remodeling project at 830 Ridge Road at a cost that exceeds \$10,000.00.**

Motion: Mr. Friedman moved to approve findings of fact for BZA Docket No. 19-006.

Second: Ms. Mayer seconded the motion.

Discussion: None.

Vote: Yea – 3 Nay – 0 Abstain – 0.

Resolved: Motion carries.

- b. BZA Docket No. 19-004 Alen Fetahagig of Kimley-Horn and Associates on behalf of Target Corporation requesting developmental variances: from Division 10: Signs to permit a large informational wall sign; from Sec. 26-1021 to permit a sign with a logo that exceed 30% of allowable area for a sign; from Sec 26-1023 (3) to exceed the maximum total square footage of signs for a site; from Sec. 26-1023 Table 1 to exceed the maximum square footage and maximum height for a wall sign at the Target Store at 8005 Calumet Avenue.**

Motion: Mr. Friedman moved to approve findings of fact for BZA Docket No. 19-004.

Second: Ms. Mayer seconded the motion.

Discussion: None.

Vote: Yea – 3 Nay – 0 Abstain – 0.

Resolved: Motion carries.

Next Meeting: Chairman Petersen announced that the next regular business meeting will be November 12, 2019 at 7:00 p.m.

Adjournment:

Motion: Mr. Friedman moved to adjourn the meeting.

Second: Ms. Mayer seconded the motion.

Motion carries viva voce.

Meeting adjourned at 7:45 p.m.

Chairman Jonathan Petersen
Board of Zoning Appeals

Date of Approval

Executive Secretary Thomas Vander Woude
Board of Zoning Appeals

Date of Approval