

MUNSTER BOARD OF ZONING APPEALS
MINUTES OF REGULAR BUSINESS MEETING

Meeting Date: March 10, 2020

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 at 7:00 pm on March 10, 2020.

Pledge of Allegiance

Members in Attendance:

Jonathan Petersen, Chairman
Stuart Friedman
Sharon Mayer

Members Absent:

Daniel Buksa
Roland Raffin
Andy Koultourides, Council
Liaison

Staff Present:

Tom Vander Woude, Planning
Director
Dave Wickland, Attorney

Approval of Minutes:

Mr. Petersen noted that Sharon Mayer's name was misspelled in the minutes.

Motion: Ms. Mayer moved to approve the minutes of the business meeting of the Munster Board of Zoning Appeals of December 10, 2019 with Mr. Petersen's corrections.

Second: Mr. Petersen seconded the motion.

Discussion: None.

Vote: Yea – 3 Nay – 0 Abstain – 0.

Preliminary Hearings

- a. **BZA Docket No. 20-003 Gregory Gronkiewicz requesting developmental standards variances from TABLE 26-6.405.A-3 of the Munster Zoning Ordinance to exceed the maximum lot coverage for accessory structures to construct an additional 3-car garage at 1706 Ridge Road..**

Mr. Gregory Gronkiewicz introduced himself. Mr. Petersen stated that he believed that the absent members of the board would like to hear the petition. Mr. Petersen moved to continue the petition to the next month's meeting. Mr. Friedman asked Mr. Wickland to confirm that the petitioner has an opportunity to state his petition. Mr. Wickland said that unless there is some deficiency in the application, the petitioner should be permitted his hearing. Mr. Vander Woude stated that this is a preliminary hearing and that the petitioner would be required to appear again for a public hearing. Mr. Petersen stated that he believes that the full board should be present for both the preliminary and public hearings. Mr. Friedman stated that since the petitioner is present, he should have an opportunity to speak tonight and action to table could be taken after that. Ms. Mayer stated her agreement. Mr. Wickland noted that the motion to continue the petition therefore dies for lack of a second.

Mr. Vander Woude noted that his original staff report stated that the application required two variances: to exceed the maximum number of garage spaces and to exceed the maximum accessory building coverage. He stated that after the publication of the report he was contacted by Mr. Gronkiewicz who informed him that he planned to convert the existing garage space to basement

storage. Therefore, only the maximum building coverage variance is required. The maximum permitted is 900 square feet; Mr. Gronkiewicz is proposing a 918 square foot garage with a 216 square foot covered porch, which is a combined area of 1,134 square feet, which exceeds the maximum by 234 square feet. He stated that the proposed height is 18'-8" which is higher than the 14' height maximum for accessory structures that was in the previous version of the zoning code. He stated that the standard was eliminated in the new code on accident because it had been part of a definition rather than listed out as a standard, but it will likely have to be reinstated as part of a zoning amendment. He said that the property is located in the Ridge preservation area which does not permit any alteration of grade. He noted that the grade of the property is not being altered, but it is being leveled off and flattened.

Mr. Gronkiewicz passed out a packet of information with letters from neighbors saying that they've seen the plans and do not have any issues with the project and a photo of his children crossing the street. He said that since they've moved in, they don't have anywhere to park, which is a safety hazard. His children park on the street which is a safety hazard because they are so close to the corner. He wants to build the garage in the backyard which will move his driveway farther from Ridge Road and eliminate the congestion at the corner. He stated that his vehicle is a high-top conversion van that doesn't fit into his current garage. His current garage is a two-car, tandem garage, which he can't use, so he's decided to turn it into basement space if the variance is approved. The new garage has to be large enough to fit their vehicles; he has four driving-age children, so he has six drivers in his household. He had the garage drawn by Albert of AFB designs and had Torrenga engineering draw the plans.

Mr. Friedman said that Mr. Petersen has indicated that there are two members of the Board that are opposed to the concept. Mr. Petersen said that, to clarify, there are two absent members that expressed an interest in petitions of this nature, but he wouldn't want to characterize how they would vote. Mr. Friedman asked whether he was correct that Mr. Petersen is requesting that the petitioner consider tabling this so the preliminary hearing would take place at the next meeting so that they would have an additional meeting to discuss the project. He asked Mr. Gronkiewicz if he was willing to table the matter. Mr. Gronkiewicz said that he has contractors lining up so he would prefer that the hearing not be tabled and not be delayed another month. Mr. Friedman asked whether a variance is required for an alteration in topography. Mr. Vander Woude said that no variance is necessary, but he is noting that the property is within the Ridge Preservation overlay. The plans as presented average out the soil on the site, there is no earth being brought in or taken away. Ms. Mayer asked whether there was a review committee. Mr. Vander Woude said that it would be reviewed when there was a building permit application. Mr. Friedman asked whether the hardship is his inability to park cars in front of his house. Mr. Gronkiewicz said there isn't enough room to park cars on his property, they have to be parked in the street or across the street next to the monastery fence. Mr. Friedman asked when he purchased the property and whether he was aware at the time that there was limited parking. Mr. Gronkiewicz said that he purchased the property in 2015 and at that time they only had two vehicles and fewer drivers. He said that every side of his property slopes so short of averaging out the grade he won't have any flat ground; there's no intent to remove soil from the property, so he'll have to build up the rear of the garage, at a greater cost, but that's part of living on a ridge. Mr. Friedman said that the number of drivers in a home is not grounds for requesting a variance. Ms. Mayer asked if his intent was to remove the garage door from the existing garage and permanently close it off with a permanent separation wall. Mr. Gronkiewicz said that it was. Ms. Mayer asked Mr. Vander Woude to confirm that the variance is required for the additional 18 square feet of the garage. Mr. Vander Woude said that if the garage was only 900 square feet, there would not be a variance required.

Motion: Ms. Mayer moved to set a public hearing for BZA Docket No. 20-003 at the next meeting.

Second: Mr. Friedman passed the gavel to Ms. Mayer and seconded the motion.

Discussion: Mr. Vander Woude said that the preliminary hearing is essentially a formality and the public hearing is the meeting during which action can take place. Mr. Petersen stated that he would vote against the motion.

Upon the advice of Attorney Wickland, no vote was taken.

Motion: Mr. Petersen moved to table BZA Docket No. 20-003 and reset the preliminary hearing for the next meeting.

Second: Mr. Friedman seconded the motion.

Discussion: None.

Vote: Yea – 3 Nay – 0 Abstain – 0.

Ms. Mayer passed the gavel back to the chairman. Mr. Gronkiewicz asked whether he could advertise for a public hearing. Mr. Friedman said that another preliminary hearing will take place next month.

Public Hearings

- a. **BZA 19-009 Guy Costanza/GM Contracting requesting developmental standards variances from Section 26-931 to reduce the number of required parking spaces and from Section Sec. 26-602 to reduce the required setback in order to construct a 2800 square foot building and parking lot for use as a café at 407-411 Ridge Road.**

Mr. Vander Woude said that a revised site plan had been submitted. Mr. Friedman asked if this was to be tabled. Mr. Vander Woude said that he had not received any correspondence from the petitioner requesting a continuance. Mr. Don Torrenza introduced himself as the representative of Guy Costanza. He said that what he is looking for is some feedback on the new site plan and requested that it be tabled.

Motion: Mr. Petersen moved to table BZA Docket No. 19-009 to the next regularly scheduled meeting.

Second: Ms. Mayer seconded the motion.

Discussion: none.

Vote: Approved viva voce.

- b. **BZA Docket No. 20-001 Michael Dust requesting developmental standards variances from TABLE 26-6.405.A-3 of the Munster Zoning Ordinance to exceed the maximum lot coverage for accessory structures and the maximum garage size to construct an additional 3-car garage at 1100 Fran-Lin Parkway.**

Mr. Petersen stated that he has a relationship to the petitioner; he has done legal work for his father and to avoid the appearance of a conflict he would not vote. Since three votes are required to act, he would move to table.

Motion: Mr. Petersen moved to table BZA Docket No. 20-001 to the next regularly scheduled meeting.

Second: Ms. Mayer seconded the motion.

Discussion: none.

Vote: Approved viva voce.

Mr. Wickland stated that the applicant will not have to publish notice. Mr. Wickland said that since this is a public hearing, the applicant and any remonstrators should be allowed to speak.

Motion: Mr. Petersen moved to amend his previous motion to allow the public hearing to be opened prior tabling BZA Docket No. 20-001 to the next regularly scheduled meeting.

Second: Ms. Mayer seconded the motion.

Discussion: none.

Vote: Approved viva voce

Mr. Friedman opened the public hearing. No comments. Mr. Friedman closed the public hearing.

- c. BZA 20-002 Community Foundation of Northwest Indiana requesting developmental standards variances from Table 26-6.405.A-7 to exceed the maximum lot size and reduce the frontage buildout in a CD-4.B District, from Section 26-6405.O.1.d to exceed the number of required parking spaces by greater than 10%, and from Section 26-6.122D.2.b to alter a nonconforming sign in order to resubdivide property and expand a parking lot at 541 Otis Bowen Drive.**

Mr. Wickland stated that he sits on the Board of Directors for the Community Foundation. He doesn't believe that is a conflict, but he would be willing recuse himself from participating at the direction of the Board. The members stated they have no objections to him acting as council.

Mr. Don Torrenga introduced himself as the design engineer and Dave Otte as the Director of Engineering for the Community Foundation. Mr. Torrenga asked whether a unanimous vote was required for the petition to be approved. Mr. Wickland said state law requires 3 affirmative votes. Mr. Torrenga asked whether he could be tabled at the Board of Zoning Appeals and proceed with his Plan Commission petition. Mr. Wickland said that he could. Mr. Torrenga asked whether a denial at the Board of Zoning Appeals would prevent the petition from advancing. Mr. Wickland stated that they would not be permitted to reapply for one year.

Mr. Friedman asked whether there was any substantive change in their petition, since at the last meeting members of the BZA had asked whether the community foundation would be willing to install sidewalks west toward Hartsfield Village. Mr. Otte said that they would install a sidewalk on the north side of Otis Bowen along the entire length of their property. Mr. Friedman asked to clarify when they would install. Mr. Otte said they would install it at the time of the parking lot expansion.

Motion: Mr. Petersen moved to table BZA Docket No. 20-002 to the next meeting.
Motion dies for lack of second.

Mr. Friedman asked the applicants whether they would like the Board to vote on the matter or table it. Mr. Torrenga said they would like to table it.
Mr. Vander Woude asked whether they would vote on the request. Mr. Wickland said a request from the petitioner does not require a vote.

Additional Business/Items for Discussion

- a. Adoption of Robert's Rules of Order for the conduct of meetings**

Motion: Mr. Petersen stated that he would like to full board to consider this item and moved to table the adoption of rules of procedure.

Second: Ms. Mayer seconded the motion.

Discussion: None.

Vote: Approved viva voce.

Adjournment:

Motion: Mr. Petersen moved to adjourn the meeting.

Second: Ms. Mayer seconded the motion.

Motion carries viva voce.

Meeting adjourned at 7:33 p.m.

Chairman Roland Raffin
Board of Zoning Appeals

Date of Approval

Executive Secretary Thomas Vander Woude
Board of Zoning Appeals

Date of Approval