

**The MUNSTER BOARD OF ZONING APPEALS**  
**MINUTES OF REGULAR BUSINESS MEETING**  
Meeting Date: May 10, 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:**

Sharon Mayer  
Roland Raffin  
Brad Hemingway  
Stuart Friedman (via Zoom)

**Members Absent:**

Daniel Buksa

**Staff Present:**

Tom Vander Woude, Planning Director

**Approval of Minutes:**

**Motion:** Mr. Raffin moved to approve the minutes of the April 12, 2022

**Second:** Mr. Hemingway.

**Vote:** Yes – 4 No – 0 Abstain – 0. Motion carries.

**Preliminary Hearings**

- a. **BZA 22-004 Louis Carbonare on behalf of Marilyn A. Educate Trust requesting approval of a variance from TABLE 26-6.405.A-3 to allow a four car garage for a residence less than 5,000 square feet at 8120 Castle Drive.**

Mr. Vander Woude presented his staff report. He said Louis Carbonare on behalf of Marilyn A. Educate Trust has submitted an application for approval of a variance from TABLE 26-6.405.A-3 of the Munster zoning ordinance to allow the construction of a new 4,200 square foot single-family residence with a 4-car garage at 8120 Castle Drive. He said the garage is an attached garage accessed by a driveway from River Drive. The subject property consists of a single lot at the corner of River Drive and Castle Drive that was consolidated from two lots in November 2021. He said the Munster zoning code permits no more than a 3-car garage for a house that is less than 5,000 square feet.

Mr. Louis Carbonare representing the property owner said that the applicants want to build a ranch home and the lot is too small for a 5000 square foot ranch house. He said the applicants have a number of very expensive cars and don't want to leave the cars on the street. He said the house will have four bedrooms. Ms. Mayer asked if the house exceeded the 30% maximum lot coverage. Mr. Vander Woude said that did not come up in the initial review, but he would verify that information for the public hearing.

**Motion:** Mr. Raffin moved to schedule a public hearing for BZA 22-004.

**Second:** Mr. Hemingway.

**Vote:** Yes – 4 No – 0 Abstain – 0. Motion carries.

- b. **BZA 22-005 Jed and Sarah Van Drunen requesting approval of a variance from the fence requirement for a residential swimming pool at 8709 Northcote Ave.**

Mr. Vander Woude presented his staff report. He said that Jed and Sarah Van Drunen have contracted for the installation of an inground pool with attached spa at their property at 8709 Northcote Ave. They are seeking a variance from the requirement that the pool be enclosed by a 6' fence. Their rear yard is already enclosed by 4' high fence and they intend to install a power safety cover over the pool. He said that the Munster municipal code requires a six-foot fence, but the swimming pool ordinance is not part of the zoning code, and it provides that the board of zoning appeals may grant variances that do not conflict with the purpose of the article. This is a lower bar than a zoning variance. He said the Board may vary the requirements if it determines that the proposal is equally safe.

Mr. Raffin asked why the municipal code had not been changed to eliminate the six-foot fence requirement. Mr. Vander Woude said that staff had proposed that amendment to the Town Council, but the Council had decided to keep the requirement because they wanted the board to make that determination on a case-by-case basis. He said the Council believes the residential density of Munster warrants keeping the six-foot fence requirement. Lee Ann Mellon added that the Council wanted fences as an extra barrier to prevent children from falling into pools.

Petitioner Sarah Van Drunen said she wants to ensure that her proposed pool is safe for her 9-year-old child and dog. She said she plans to install a power safety cover over the pool and that the backyard is enclosed by a six-foot fence at the rear lot line and a four-foot fence on the sides and front. She said that she obtained estimates to install a six-foot fence and the cost is approximately \$7000 whereas the power safety cover costs \$17000.

**Motion:** Mr. Raffin moved to schedule a public hearing for BZA 22-005.

**Second:** Mr. Hemingway.

**Vote:** Yes – 4 No – 0 Abstain – 0. Motion carries.

## **Public Hearings**

- a. BZA 22-003 Feras Musleh of 821 Main Street LLC requesting approval of a variance from Table 26-6.405O-1 to allow a reduction in the required parking spaces for a restaurant at 821 Main Street.**

Mr. Vander Woude presented his staff report. He said that Feras Musleh of 821 Main Street LLC has submitted an application for approval of a variance from Table 26-6.405O-1 to allow a reduction in the required parking spaces for a restaurant at 821 Main Street. The applicant is seeking to lease 1,390 square feet in the building at 821 Main Street to a Dominos Pizza restaurant. The address of the tenant space is 841 Main Street. He said the proposed Dominos Pizza will have no tables. All business will be carry-out or delivery. The other tenants in the building are the Anytime Fitness gym and Nutrition on Main, a health food store. He said the strip center contains 47 on-site parking spaces. The existing tenants are currently using 39 of the required spaces. The Munster zoning ordinance requires an additional 27 spaces for the proposed restaurant. The variance is requested to reduce the required parking by 19 spaces.

He said the applicant has provided photos of the parking lot taken at different times of day. Both the lunch hour (noon to 1 pm) and dinner hour photos (5 pm to 7 pm) show that there is parking available within the lot during those times, with the fewest empty spaces between 5 pm and 7 pm. He said the applicant also has prepared a site plan illustrating 6 additional onsite parking spaces and 12 on-street spaces. If implemented, this would reduce the requested variance to 1 space. The plan as shown would

require Plan Commission development plan approval. He said that his recommendation is that the variance be granted as requested with the condition that the additional spaces be added at a later date at the request of the property owner or if Town staff documents a parking shortage within the lot.

Applicant Feras Musleh said that the Hammond Dominos has 10 parking spaces, and the Highland Dominos has 20 spaces. He said there will be no dine-in; 70% of the business will be delivery and 30% will be carry out. He said the delivery drivers will park in the back. He said that Dominos will have different busy times than Anytime Fitness. He said that if the board prefers, he will add the additional parking spaces shown on the site plan, but he doesn't believe they will be necessary. He said Dominos is signing a 10-year lease, so he wants to ensure that there won't be any problems. He said they will mark two spaces for their two-minute guarantee spaces. He said most people order online so the actual time in the parking lot is very brief. He said that the neighboring business Nutrition on Main has two employees per shift and only one to two clients at a time.

Ms. Mayer asked for information on the busiest times. Mr. Musleh said that Dominos opens at lunch time and is busiest between 4 pm and 6 pm. He said Monday and Tuesday are usually not busy. Ms. Mayer said that she preferred that the curb be cut to provide additional parking spaces.

Ms. Mayer opened the public hearing. Michael Goepfort of 10380 Oxford Place stated that there was a development in Schererville that permitted a business to have a trial period to let them use the parking spaces that they had. Ms. Mayer closed the public hearing.

Ms. Mayer said that she is concerned about the deficit of 19 spaces.

**Motion:** Mr. Raffin moved to approve BZA Docket No. 22-003 granting a variance from Table 26-6.405O-1 to reduce the required parking spaces by 19 for a Domino's Pizza carryout- and delivery-only restaurant at 821 Main Street, upon the condition that the Town may require that up to six additional on-site spaces and/or 12 on-street spaces be constructed in accordance with Town standards at a later date if Town staff documents a parking shortage within the lot.

**Second:** Mr. Hemingway.

**Discussion:** Ms. Mayer suggested that the Town review the parking standards.

**Vote:** Yes – 4 No – 0 Abstain – 0. Motion carries.

### **Findings of Fact**

- a. **BZA 22-001 Brian McShane of 45th Street Properties LLC requesting approval of variances to install entrance door signage and directional signage both that exceed the maximum permitted area and do not comply with sign material standards.**

**Motion:** Mr. Raffin moved to approve findings of fact for BZA 22-001.

**Second:** Mr. Hemingway.

**Vote:** Yes –4 No – 0 Abstain – 0. Motion carries.

- b. **BZA 22-002 Jeffery and Nancy Nixon requesting approval of a variances from TABLE 26-6.405.A-2 to permit a 6-foot tall fence in a front yard at 8004 Hohman Avenue.**

**Motion:** Mr. Raffin moved to approve findings of fact for BZA 22-002.

**Second:** Mr. Friedman.

**Vote:** Yes – 4 No – 0 Abstain – 0. Motion carries.

**Additional Business/Items for Discussion**

**a. Resignation of Stuart Friedman**

Mr. Friedman reported that he is resigning from the Board of Zoning Appeals to spend more time with his family and expressed his gratitude for the opportunity to serve the Town as a member for 24 years. The Board thanked Mr. Friedman for his service.

**Next Meeting:** Ms. Mayer announced that the next regular business meeting will be June 14, 2022, at 6:45 p.m.

**Adjournment:**

**Motion:** Mr. Raffin moved to adjourn.

**Second:** Mr. Hemingway.

**Vote:** Yes – 4 No – 0 Abstain – 0. Motion carries.

Meeting adjourned at 7:25 p.m.

---

President Sharon Mayer  
Board of Zoning Appeals

---

Date of Approval

---

Executive Secretary Thomas Vander Woude  
Board of Zoning Appeals

---

Date of Approval