

**The MUNSTER BOARD OF ZONING APPEALS**  
**MINUTES OF REGULAR BUSINESS MEETING**  
Meeting Date: February 14, 2023

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:**

Daniel Buksa  
Sharon Mayer  
Brad Hemingway  
Brian Specht (On Zoom)

**Members Absent:**

Roland Raffin

**Staff Present:**

Tom Vander Woude, Planning Director  
Dave Wickland, Attorney

**Approval of Minutes:**

**a. Approval minutes from the January 10, 2023, Regular Business Meeting**

**Motion:** Mr. Hemingway moved to approve the minutes of the January 10, 2023, regular business meeting as presented.

**Second:** Ms. Mayer

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

**b. Approval minutes from the January 24, 2023, Special Business Meeting**

Ms. Mayer asked for clarification on the statement that Mr. Banach plans to install a permeable driveway that will be planted with grass. Mr. Vander Woude said it refers to a driveway that is interplanted with grass. Ms. Mayer asked for clarification on the statement that the driveway will be used infrequently because the garage will be for storage. Mr. Vander Woude said it is for the storage of cars.

**Motion:** Ms. Mayer moved to approve the minutes of the January 24, 2023, special business meeting.

**Second:** Mr. Hemingway

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

**Preliminary Hearings:**

**a. BZA 23-002 HP Munster Investment LLC seeking multiple variances from TABLE 26-6.701.B WALL SIGN SPECIFIC STANDARDS to permit three nonconforming signs on a Hyatt Place Hotel at 9420 Calumet Avenue**

Mr. Vander Woude said that the applicant is HP Munster LLC, the developer of the Hyatt Place Hotel at 9420 Calumet Avenue, located within the Maple Leaf Crossing planned unit development. The building is currently under construction. He said the applicant is seeking approval of eight variances related to the

signage. The development is regulated by the Maple Leaf Crossing development standards which state the signage will be compliant with the Munster zoning ordinance unless a variance is obtained by the Board of Zoning Appeals. The first of the eight variances being requested is one in a series of variances that refer to the same thing because they are proposing three channel letter signs. One is on the south elevation, one is on the east elevation facing Calumet Avenue, and one is on the north elevation facing Maple Leaf Boulevard. Each of these signs are proposed to be installed on the 4th floor of the building and each one is a channel letter style sign. The variances are for the following. The first is for the quantity of signs. The Town standards permit a sign on the façade, which is a building wall that faces the street or the public way. The applicant is permitted to sign on the north side and on the south side. The sign facing east is not permitted because it is not facing a public way. The Town standards permit wall signs only on the first floor. All three of these signs are proposed for the 4th floor so three variances are required. On the east side, even though the sign is not permitted, were it to be permitted, it exceeds the overall area permitted for a wall sign which is 1.5 square feet of signage per linear foot of building elevation. The applicant is proposing a 129.91 square foot wall sign. The maximum permitted area is 116 square feet. There are also four variances for the letter height and overall height of the signs. On a building with a setback of less than 100 feet from a public way, the maximum height of a letter is 24 inches. On the north and south elevations, they are proposing 33.75 inch tall letters. On the east side, they are proposing a 40 inch tall logo. The overall sign height for a building less than 100 hundred feet from the road is 36 inches. On the east side, the applicant is proposing a sign with an overall height of 74.625 inches. Mr. Vander Woude said that the applicant could comply with the Town's standards by eliminating the wall sign on the east side of the building, moving the signs on the north and south sides to the first story or replacing them with a different type of sign, and reduce the height of the signs. He said that the staff report contains examples of other Hyatt Place hotels throughout the country that appear to be compliant with our standards.

Petitioner, Amit Shah of 10057 New Devon Street, Munster, introduced himself. He said he didn't have more to add other than, ideally, he would like to get it approved as submitted. He is open to suggestions but his first option would be approved as is. Ms. Mayer asked if he or his company owned other Hyatt Place Hotels. Mr. Shah said, no. Ms. Mayer asked if they had other hotels. Mr. Shah said yes. Ms. Mayer asked if any of them are in the Munster area. Mr. Shah said they have two in Merrillville.

**Motion:** Ms. Mayer moved set Docket No. BZA 23-002 to a public hearing.

**Second:** Mr. Hemingway

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

#### **Public Hearings:**

- a. BZA 22-010 Community Foundation of Northwest Indiana requesting approval of multiple variances from the Munster zoning ordinance in order to construct an immediate care medical building at 730 Treadway Drive (formerly 10240 Calumet Avenue).**

Mr. Vander Woude said that in June 2022, the Community Foundation applied for multiple variances relating to the development of the Immediate Care building at the subject property, including sign variances. The Board of Zoning Appeals approved nearly all of the site related and building related variances but tabled the sign variances. The applicant is now seeking approval. Mr. Vander Woude said that eight variances were previously granted, three were denied, and twelve additional variance types

are requested in connection with signage. He said they are requesting a total of 26 variances: 21 variances for the wall signs and 5 for the monument sign. He said that to comply with the zoning standards, the applicant must eliminate the 6'-4" tall logo signs installed on the second floor north, east, and west sides of the building; eliminate the "Immediate Care" sign on the east side of the building; reduce the size of the "Immediate Care" sign on the rear of the building to 6 square feet and eliminate the internal illumination; reduce the size of the monument sign to 18 square feet and reduce the height of all letters and logos to 12"; and redesign the monument sign with solid materials rather than a cabinet.

He said that the staff report contains photographs of some of the other commercial buildings in that area, showing that many have very little signage. He said the Board is to consider the character of the surrounding developments and to consider the scale and scope of the variances being requested and to grant only the minimum variance necessary to relieve a particular difficulty or hardship.

Mr. Buksa asked Mr. Wickland if proof of publications were in order. Mr. Wickland said they were. Mr. Vander Woude said he was advised by Town Attorney Dave Westland that the notices that were sent out in June were sufficient for the public hearing to continue.

Dave Otte of Community Foundation of Northwest Indiana said this is an immediate care facility. They want to make sure that people coming in from all directions know that it's an immediate care facility. It is for health care, it is for the Town, they are providing services that take care of people. A lot of the architectural features of the building were added to meet the town codes, for instance, the 8/12 pitch of all the roofs. He doesn't think the signage is out of proportion at all with the size of the building. It is a 34,000 square foot building. He thinks it is in proportion and it looks very nice.

Mr. Buksa opened the public hearing.

Michael Goepfert of 10380 Oxford Place, Munster, said he feels like he should just record this and play it back a few times in this meeting and just about every meeting that we all attend because it is the same thing over and over again. He said we have a fantastic ordinance in the town. Calumet Avenue is less and less becoming an avenue of billboards. It is fantastic, he really is a fan of that. He hopes they continue to adhere to the signage ordinance that we have. We have some wonderful new buildings in Town. They did adhere to the new signage ordinance and they're all packed. Everybody seems to be able to find them even though their signs are within the ordinance. He said we all have phones now; we all have directions. He's not looking for a sign anymore, he's listening to Siri to tell him when to turn. We don't need a big billboard to get us there. He said everybody is going to know what this building is and how to get there so we don't need a big advertisement for it off Calumet Avenue. He said it is a great ordinance, thanks for passing it, hopefully we can stick to it.

Mr. Buksa closed the public hearing.

Ms. Mayer said she felt like they needed to go through all the signs. Mr. Otte said he would go through them elevation by elevation. Starting on the north elevation of the building which is on page 19 of the staff report. As you are going south down Calumet Avenue, there is just the Immediate Care and the birdhouse. The south elevation coming down north on Calumet Avenue, there is just the Immediate Care sign. On the east elevation of the building, shown on page 20, there is just the birdhouse and Immediate Care. On the west side, there is just the birdhouse. It is about 37 square feet by itself. The

last sign is the monument sign. The monument sign is only a little over 6 feet tall and is set back over 120 feet off Calumet Avenue because they made that outlot that's along Calumet Avenue with the detention/retention pond. He said it is a very nice signage, it is attractive. He said it is not too much given the size of the building. He said it is very similar to their CDC building. The monument sign is about the same size and he thinks the CDC has Community Care or Community Diagnostic Center on a few sides. Ms. Mayer said it makes sense but they have had a lot of issues with monument signs. She said what came to her mind is the doctor's office on the corner of Fran Lin and Columbia Avenue. They never did come to an approved sign there. Mr. Otte said when the building is 120 feet off Calumet Avenue, you want to make sure that people can see it when they're driving by. Ms. Mayer said to go back to the wall sign. They just had the preliminary hearing on a wall sign for the hotel. Of course, that building is much taller. Mr. Otte said that that building is four stories with a flat roof structure so that is about the same size as a three story building. Ms. Mayer asked the height of the channel letters. Mr. Otte answered they are 20 inches, 1 foot 8 inches and 5/8 inch. Ms. Mayer said that is the same for both elevations. Ms. Mayer asked Mr. Vander Woude to confirm that the issue is the height of the letters. Mr. Vander Woude said it is the 76 inches tall logo signs which exceed the maximum height, and the signs are to be installed on the first story not the second story. The signs are too high and the logos are too large. Mr. Otte said to keep in mind that in order to meet with the all the landscaping ordinances, they put 84 trees around this building. Ms. Mayer asked the height of the bird's nest that is on Calumet Avenue side of the hospital. Mr. Otte said the one on the 7th floor is 11 feet tall so this one is half as tall as that. Ms. Mayer asked if they could put the channel letters on the eyebrow above the doors. Mr. Vander Woude clarified that on the north façade, which is the street facing elevation, the Immediate Care sign should be on the first floor. Building are only permitted a 6 square foot sign on the rear door, which is the south side. The intent of our sign ordinance is not that a building within a block, not on a corner, would be visible from all sides so that its name would be glowing from all sides. The building behind it would have a street sized sign facing it or from the side. The sign facing the street is permitted to be large, that is the normal standard. The sign on the back of the building needs to be smaller. The thought behind that is that if you are in the parking lot, all you need is a sign directing you to the door. You don't need a large sign identifying the building on the street. Ms. Mayer asked if you are approaching to go into the parking lot, is there a sign that you are going to see that you are in the right place. Mr. Vander Woude said you will see the sign on the north face of the building and the monument sign. Ms. Mayer said they just need to be smaller. Mr. Vander Woude said the monument sign needs to be smaller, the sign on the back of the building needs to be smaller, and the logos need to be smaller. Ms. Mayer asks Mr. Otte if he got that. Mr. Otte said he does but there would be a point where they don't look in proportion with the building. Mr. Specht asked about the monument sign, which is 6 foot 4 inches, what is the allowed normal permitted size. Mr. Vander Woude said the permitted height is 6 feet and the permitted area is 18 square feet. Mr. Otte said this is only three feet wide. Ms. Mayer said she was wondering if Mr. Otte wants to go back to the drawing board and reduce the sign of the signs before it gets denied. Mr. Otte said it sounds like he has no other choice. Ms. Mayer said she won't approve the monument sign and she thinks there is hesitation on some of their parts on the size of the other signs. Mr. Otte asked what the Board recommends. Mr. Hemingway said it would be to conform to the surrounding environment, the other buildings on that Calumet Avenue corridor there.

A representative from Legacy Sign Group said he happened to install most of the signs in that corridor. When you say to be more in line with signs in that corridor, he is curious because most of those signs are much larger than what these signs are. For example, Community Diagnostic and Cardiology Associates,

those signs are 32 inches tall by 30 feet and 45 feet long. The address letters on Fountain View are three feet tall. The monument sign there at Fountain View is 10 feet tall by 10 feet wide. Every monument sign in that whole area is larger than this sign and of the same construction. Mr. Hemingway asked Mr. Vander Woude if they existed before the change in the ordinance. Mr. Vander Woude said yes. The representative said they did receive some variances along the way, in fact, all the signs had variances on them. Fitness Point is obviously a very large sign. There is another monument sign that is at the corner. Ms. Mayer said when you take the totality of all those signs, you are citing individual buildings that have a sign, the Board is looking at multiple signs on one building. The representative said the Community Diagnostic building has three signs on the west side and three signs on the east side. Ms. Mayer said all the signs you are speaking of, were all before we adopted this new code. Mr. Otte said all the buildings were built before the town adopted the new code. The other thing about all these buildings is there is more than one front because you basically see all around the building and there are roads on all sides. This building will be seen from multiple directions. It is on 6 acres; it is easy to see. People will be coming from all different directions. That is why they want to make sure they get the healthcare they need. Mr. Hemingway said as the remonstrant said, people will not generally be driving down Calumet Avenue for a building. The representative said if they are looking for Immediate Care they are also in a stressful situation. They are not going to be on their phones trying to find somewhere because their kid got hurt, or need stitches, or whatever reason they need to go to immediate care. He said he was driving around tonight, there is a sign for an orthopedic place on Calumet Avenue. He couldn't even tell you the name of it because you can't see it. It is a conforming sign but it doesn't have any lights on it. You can't even tell what it is. That has a community outpatient place there on the bottom but it is not lit up because it conforms and you can't read it either. There is a point that on the monument sign that is illuminating. It is just the copy, just like many other community monument signs along Calumet Avenue. Only the copy is lit. It is not obtrusive, a big white light, a big white background with letters on them. These are very classy signs, well done, minimal lighting coming out of them. If they put channel letters on something, the only thing that does is to make the letters stick out real far. Then it looks worse than what they're presenting here. Mr. Buksa said he appreciates his perspective. They are not here to debate the zoning ordinance. He said Ms. Mayer had made a suggestion, are they willing to entertain a continuance. Mr. Otte said they can do that if they bring back signs within that corridor from Calumet Avenue to Sheffield and those buildings that match the type or similar buildings. Sharon said what they need to understand is they adopted a new code for a reason. They want to stay as close to that as they can. Obviously, it can't always be done but that is the goal. To go back and highlight things that were done 10 years ago isn't going to help. Mr. Otte said they will do their best to conform and come back next month.

**Motion:** Mrs. Mayer moved to continue Docket BZA 22-010.

**Second:** Mr. Hemingway

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

- b. BZA 22-014 Legacy Sign Group on behalf of Luke Oil requesting approval of a variance from TABLE 26-6.701.B MONUMENT SIGN SPECIFIC STANDARDS to permit a 21-inch tall logo on a monument sign at 750 Broadmoor Avenue.**

Mr. Vander Woude reported that this petition was withdrawn by the applicant on February 13, 2023.

**c. BZA 22-016 Munster Properties LLC requesting approval of a variance from Table 26-6.4050-1 to allow a reduction in the required parking spaces for a medical office at 10350 Calumet Avenue.**

Mr. Vander Woude said that at the January public hearing for this petition, the Board asked the applicant to increase the overall number of parking spaces on site, thus reducing the required variance. The initial petition presented to the Board was short of the required number of parking spaces by 41. The revised plans increase the total number of parking spaces on site by 24 to a total of 156 parking spaces. The required number per ordinance is 173. He said they eliminated some landscape areas to add additional parking spaces. He said that since they have testified that their operations did not require those parking spaces, his staff recommendation is to approve the variances initially presented but hold the landscape area in reserve in case there were ever a true parking shortage on the site in the future.

Ms. Mayer asked if reducing the landscape islands, resulted in noncompliance with the landscaping code. Mr. Vander Woude said no, because although they are not complying with all the requirements of the landscaping ordinance, the landscaping section of the ordinance allows for reducing the amount of landscaping to achieve the required number of parking spaces. They are only subject to the landscaping ordinance to the extent that they can do so without eliminating any necessary parking spaces. Ms. Mayer said even with this redesign they are still roughly 20 spaces short of our code. Mr. Vander Woude said they are required to have 173 and they have 156. Ms. Mayer said the building they were speaking of for the previous petition, the Community Immediate Care, is roughly the same size building as this. She asked if that building is compliant with parking. Mr. Vander Woude said that it does. Ms. Mayer said they have 173 or more parking spaces for a 30,000 square foot building. Mr. Vander Woude confirmed.

Mr. Buksa opened the public hearing. Hearing no comments, Mr. Buksa closed the public hearing.

Laura Pastine from 8401 Somerset, Prairie Village, KS said she is representing GastingerWalker architects, the designer architects for this project. She said they went back and took a closer look at the question of did they knock out every potential parking space available. She said the site is 3.77 acres. She said leaving the January 24<sup>th</sup> meeting, it was definitely a question of can they do better, where can they do better, and where can they find more spots. There was a project brought up at that January 24<sup>th</sup> meeting of a building of similar size that had a requirement of 190 spaces that was allowed a variance of 150. It sounded like, in reality, when that lot gets full and there is the perception that there is not enough parking. She said the property with the 190 spaces, in the previously approved variance that they were compared to, are providing 70% of what is required by the zoning ordinance. In their original Board of Zoning application, it looks like they were providing 76%. What they provided on January 27<sup>th</sup> with 157 spots, they were able to get close to 90% of what is being asked so it seems like that was a pretty big lift. She said they removed seven of the landscaped island spots to add to their stall count. She said she was able to add another four spots at the north so they are looking at a maximum parking scenario of 161 spots, this would be 93% of what is being asked for in the zoning ordinance by sacrificing the landscape islands. With those four added to the north that would keep them right around 89 to 90% of the ordinance being satisfied. They feel that they have reached the maximum of what they can get from their site. Ms. Mayer thanked Ms. Pastine for going back and doing that work. She asked what number of spaces were coming from islands. Ms. Pastine said seven. Ms. Mayer said if the islands were to remain islands and they were able to pick up those spots, what is that number. Ms. Pastine said 154.

Ms. Mayer suggested that the islands remain landscaped and to pick up those additional 7 spaces for a net of 154 spaces.

**Motion:** Ms. Mayer moved to approve BZA 22-016 granting a variance from Table 26-6.405O-1 to allow a reduction in the required parking spaces from 173 to 154 for a medical office at 10350 Calumet Avenue to Munster Properties LLC.

**Second:** Mr. Specht

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

- d. **BZA 23-001 Matthew Banach requesting approval of a variance from TABLE 26- 6.405.A-2 to permit the construction of a garage addition which will increase the total number of garage spaces to five at 8737 Crestwood Avenue.**

Mr. Vander Woude said the applicant is seeking a variance from table 26-6.405.A-2 to permit a garage addition at his residential property at 8737 Crestwood Avenue. The subject property currently has a two car attached garage and one car detached garage. The Munster zoning ordinance permits up to three garage spaces either attached or detached for a residence that has 5000 square feet or less. This house does not exceed 5000 square feet therefore it is limited to 3 cars total on the site. With the addition of the attached garage, it would have a total of five garage spaces exceeding the standard by two spaces. Mr. Buksa asked if all the public notifications were in order. Mr. Wickland answered yes. Mr. Buksa opened the public meeting. There were no public comments so Mr. Buksa closed the public hearing.

Matt Banach of 8737 Crestwood Avenue, Munster, said he had nothing else to add. He is looking for approval. He added that in square footage it is five cars but the way it worked out, it is more like four.

**Motion:** Mr. Specht moved to approve BZA 23-001

**Second:** Mr. Hemingway

**Vote:** Yes – 3 No – 1 Abstain – 0. Motion carries.

#### **Findings of Fact:**

- a. **BZA 22-013 Fadi Layous requesting requesting approval of a variance from TABLE 26-6.405.A-7- Vehicular Parking Requirements to allow Off-Street Parking in the first lot layer of the property at 500 45th Street.**

**Motion:** Ms. Mayer moved to approve the Findings of Fact for BZA 23-013.

**Second:** Mr. Hemingway

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

- b. **BZA 22-015 Parth Patel requesting approval of a variance from Table 26-6.405O-1 to allow a reduction in the required parking spaces for a commercial building at 8130-8138 Calumet Avenue.**

**Motion:** Mr. Hemingway moved to approve the Findings of Fact for BZA 23-015.

**Second:** Ms. Mayer

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

- c. **BZA 22-017 Osceola Properties Inc requesting approval of a variance from Table 26-6.405.O-1 to allow a reduction in the required parking spaces for a dental office at 8250 Hohman Avenue.**

**Motion:** Ms. Specht moved to approve the Findings of Fact for BZA 23-017.

**Second:** Mr. Hemingway

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

**Additional Business/Items for Discussion: None**

**Next Meeting:** Mr. Buksa announced the next regular business meeting will be March 14, 2023.

**Adjournment:**

**Motion:** Ms. Mayer moved to adjourn.

**Second:** Mr. Hemingway

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

Meeting adjourned at 7:45 pm

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President Daniel Buksa  
Board of Zoning Appeals

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Date of Approval

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Executive Secretary Thomas Vander Woude  
Board of Zoning Appeals

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Date of Approval