



# BOARD OF ZONING APPEALS STAFF REPORT

**To:** Members of the Board of Zoning Appeals

**From:** Rachel Christenson, AICP, On-call Planner for the Town of Munster

**Meeting Date:** September 12, 2023

**Agenda Item:** BZA Docket No. 23-007

**Application Type:** **Developmental Standards Variance**

**Hearing:** **PRELIMINARY HEARING**

**Summary:** Paul Taylor is seeking a variance to development standards to allow signage that conforms to the sign standards applicable to CD4.A Districts in Table 26-6.701.A to the tenant spaces on the east side of the building located at 11 Ridge Road.

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**Applicant:** Paul E. Taylor

**Property Address:** 11 Ridge Road

**Current Zoning:** CD-4.A (General Urban-A District)

**Adjacent Zoning:** North: CD-3.R1 (Neighborhood- 70' Lot SFR)  
South: CD-4.A (General Urban-A District)  
East: CD-4.A (General Urban-A District)  
West: CD-4.A (General Urban-A District)

**Action Requested:** Development Standards Variance Preliminary Hearing

**Additional Actions Required:** Public Hearing  
Findings of Fact

**Staff Recommendation:** **Move petition to Public Hearing on October 10, 2023**

**Attachments:** Variance application with supporting documentation, land survey, and preliminary sign plans



Figure 1 Subject property.

## BACKGROUND

Paul Taylor is requesting to apply the sign standards that apply to the building frontage on Ridge Road to the east side of the building at 11 Ridge Road. This building is a multi-tenant building that was constructed in the 1960's. Several of the tenant spaces face an interior parking lot.

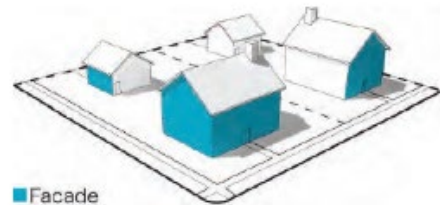
## DISCUSSION

According to the Munster Character-Based Code, structures are allowed to have one sign per Façade, per business.

A **Façade** is defined as the exterior Wall of a Building that is set along a Frontage Line, excluding any Garage or other parking accommodations.

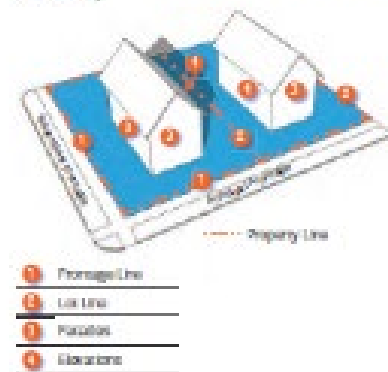
*\*The façade of 11 Ridge Road is along Ridge Road, meaning the business entrance that faces Ridge Road is allowed signage. There is no façade facing the parking lot, meaning signage is not allowed at the entrances to the businesses that face the parking lot.*

ILLUSTRATION 26-6.901.F-1 FAÇADE



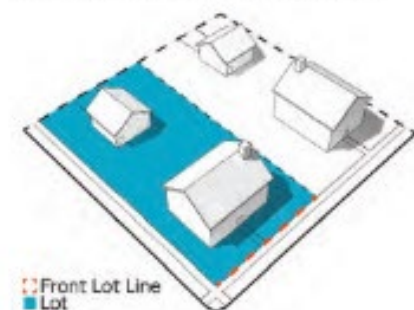
A **Frontage Line** is defined as the common line that separates the Private Frontage from the Public Frontage, typically at the Front Lot Line in cases where the entire Public Frontage is with the public right-of-way.

ILLUSTRATION 26-6.405.0-2 (FRONTAGE AND LOT LINES)



The **Front Lot Line** is the boundary at the front of a Lot along the Thoroughfare right-of-way or Drive Aisle, as applicable.

ILLUSTRATION 26-6.901.F-5 FRONT LOT LINE



A **Drive Aisle** is a curbed vehicular accessway within a development site that connects to a street or another internal drive and provides access and circulation to or through such development site and the Building(s) and Parking accommodations thereon.

The east side of the building faces the parking lot. Since they do not have frontage on the east side of the building, they would be permitted a non-internally illuminated sign, up to six (6) square feet in size for the occupant at a publicly accessed entrance door if such sign is a wall sign, blade sign, or awning sign.

If the variance is approved, the petitioners would be permitted to install signage that conforms to the sign standards applicable to CD-4.A districts in Table 26-6.701.A to the tenant(s) on the east side of the building. This signage would include awning signs, blade signs, canopy signs, directory signs, outdoor display cases, plaque signs, window signs, and wall signs. Additionally, the tenant that occupies the southeast space would be permitted to have two signs, one on the south side of the building and one on the east side of the building.

## **VARIANCE STANDARDS**

The variance process is established to provide relief to a property owner when, due to unique circumstances, compliance with the zoning code imposes a hardship or practical difficulty on a property owner. The BZA is under no obligation to grant a variance. It is the petitioner's responsibility to prove a hardship or practical difficulty. The BZA should ask the petition to address the criteria listed below.

Sec. 26-6.804.I of the Munster Zoning Code states that the basis for a variance is as follows:

### **g. General Standards.**

A Variance may be granted only if the Decision-Making Authority has made the following determinations for such Variance:

- i. the practical difficulties or unnecessary hardships that would be incurred by strict application of the Use or Development standard, as applicable, are unique and not shared by all properties in the vicinity and are not self-imposed;
- ii. such Variance is the minimum Variance that will relieve such practical difficulties or unnecessary hardships, as applicable;
- iii. such Variance is in the spirit of the general purposes and intent of this Article as stated in Division 1; and
- iv. such Variance is so designed as to provide reasonable consideration to, among other things, the character of the neighborhood, District, or Civic Zone, the conservation of property values in the vicinity, and the guidance of Development in accordance with the Comprehensive Plan.

### **h. Specific to Development standards Variances:**

A Variance from Development Standards may be approved or approved with conditions only if:

- i. it will not be injurious to the public health, safety, morals, and general welfare of the community;
- ii. the use and value of the area Adjacent to the property included in the Variance will not be affected in a substantially adverse manner; and
- iii. the strict application of the Development standards will result in practical difficulties in the use of the property.

**The applicant has addressed these criteria in the attached application.**

**MOTION**

The Board of Zoning Appeals may wish to consider the following motion:

*Motion to schedule a Public Hearing for BZA Docket No. 23-007 at the October 10, 2023 Board of Zoning Appeals Meeting.*



Petition BZA \_\_\_\_\_ - \_\_\_\_\_  
Date: \_\_\_\_\_  
Application Fee: \$ \_\_\_\_\_  
Sign Fee: \$ \_\_\_\_\_

***Town of Munster Board of Zoning Appeals Petition Application***

**OWNER INFORMATION**

Mr. Saber Sabbah \_\_\_\_\_ (708)-228-3131 \_\_\_\_\_  
Name of Owner Phone number  
1170 Old Henderson Rd. Columbus, OH 46220. \_\_\_\_\_ sabersabbah@gmail.com. \_\_\_\_\_  
Street Address, City, ST, Zip Code Email Address

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**APPLICANT OR PETITIONER INFORMATION (if different than above)**

Paul E. Taylor \_\_\_\_\_ (219) 741-7454 \_\_\_\_\_  
Name of Applicant/Petitioner Phone Number  
7040 Forest Ave. Hammond, IN 46324. \_\_\_\_\_ taylordesign@astound.net \_\_\_\_\_  
Street Address, City, ST, Zip Code Email Address

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**PROPERTY INFORMATION**

Ridge Complex \_\_\_\_\_  
Business or Development Name (if applicable)  
11 Ridge Road \_\_\_\_\_ CD-4.A General Urban \_\_\_\_\_  
Address of Property or Legal Description Current Zoning

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**APPLICATION INFORMATION**

Please select what this Application is for:

☒ **Variance** If yes, select one of the following: ☐ **Use** ☒ **Developmental Standards**

☐ **Conditional Use**

☐ **Administrative Appeal**

Brief Description of Project and List of Variances or Conditional Uses Being Requested (if applicable):

We are asking for a variance to allow all of the sign requirements outlined in Table 26-6.701.B, that apply to the proposed signs facing Ridge Road, apply to the proposed signs that face the parking lot.

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Paul E. Taylor (AR 19400136) \_\_\_\_\_ (219) 741-7454 \_\_\_\_\_  
Name of Registered Engineer, Architect or Land Surveyor Phone Number  
7040 Forest Ave Hammond, IN 46324 \_\_\_\_\_  
Street Address, City, ST, Zip Code Email Address



Petition BZA\_\_\_\_\_ - \_\_\_\_\_

### *Town of Munster Developmental Variance Conditions of Approval*

The Munster Board of Zoning Appeals is authorized to hear petitions for developmental standards variances and to approve or deny. The Board of Zoning Appeals may also impose reasonable conditions and restrictions. Indiana Code 36-7-4-918.5 lists the legal criteria for a developmental standards variance:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Explain why this statement is true in this case:

The implantation of the approval of this variance will not cause injury to the public health, safety, morals and general welfare of the community. The proposed work helps to provide well indicated commercial opportunities and, these opportunities do not cause any injury to the public health, safety, morals and general welfare of the community.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Explain why this statement is true in the case:

The use and value of the area adjacent to the property included in this variance will not be affected in a substantially adverse manner because of its approval. The proposed changes will provide well indicated commercial opportunities. These opportunities will not adversely affect the use and value of the adjacent properties.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Explain why this statement is true in this case:

The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property because well indicated commercial opportunities are required for success in commercial enterprises.





Petition BZA \_\_\_\_\_ - \_\_\_\_\_

*Town of Munster Board of Zoning Appeals Application Signature Page*

I hereby authorize **Paul E. Taylor (TaylorDESIGN-architects)**, to act on my behalf as my agent in this petition and to furnish, upon request, supplemental information in support of this petition application.

A handwritten signature in cursive script, appearing to read "Saber Sabbah".

\_\_\_\_\_  
Signature of Owner (Saber Sabbah)

Text  
7/6/23

\_\_\_\_\_  
Date

A handwritten signature in cursive script, appearing to read "Paul Taylor".

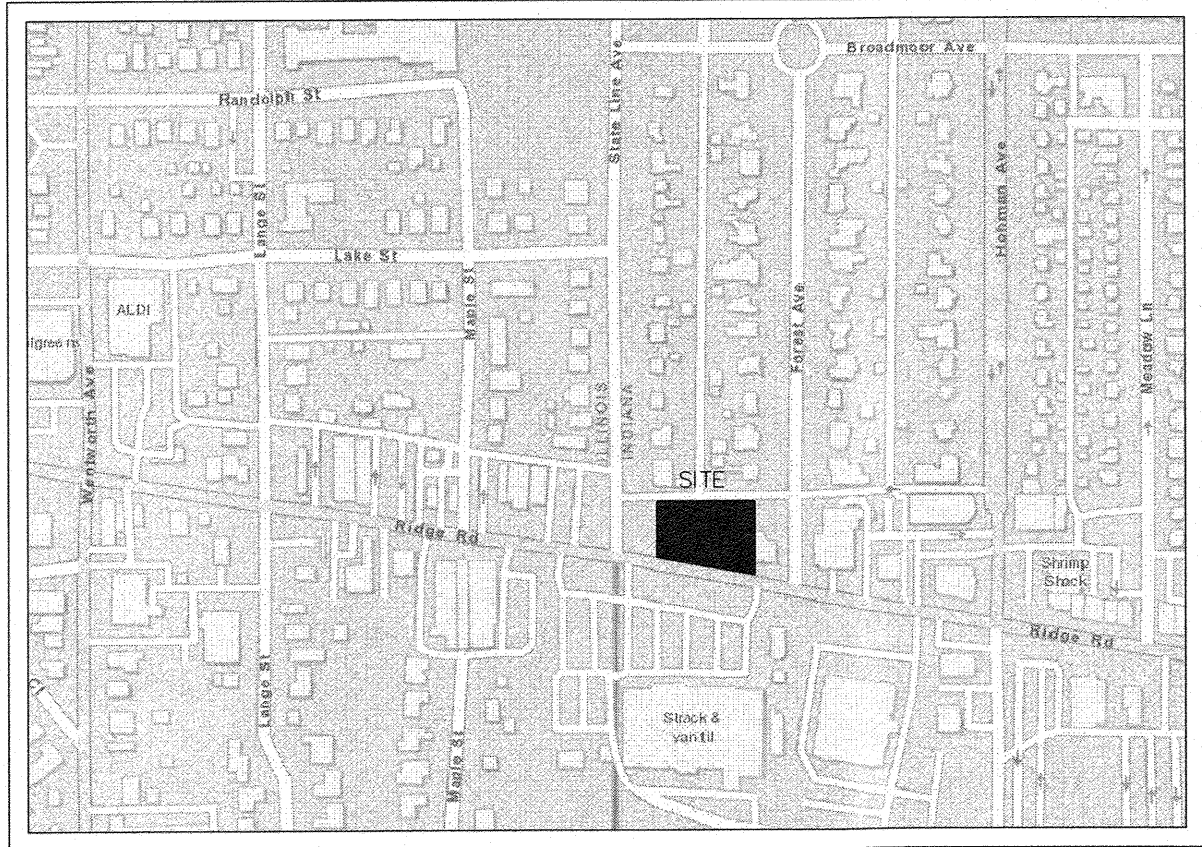
\_\_\_\_\_  
Signature of Applicant (Paul Taylor)

7-7-23

\_\_\_\_\_  
Date



VICINITY MAP:



THIS PROPERTY IS LOCATED IN FLOOD ZONE(S) X (UNSHADED) AS DETERMINED BY USING SCALE MEASUREMENT FOR LOCATION UPON THE APPLICABLE FLOOD INSURANCE RATE MAP FOR THE TOWN OF MUNSTER, LAKE COUNTY, INDIANA AS SHOWN IN COMMUNITY PANEL(S) 1808C0100E, EFFECTIVE JANUARY 18, 2012. TRACTS OF LAND LOCATED IN FLOOD ZONE X (UNSHADED) ARE AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOOD HAZARD.



GRAPHIC SCALE  
(IN FEET)  
1 INCH = 20 FT.

# ALTA/NSPS LAND TITLE SURVEY

SUBJECT PARCEL LEGAL DESCRIPTION (AS PER GREATER INDIANA TITLE COMPANY TITLE COMMITMENT NO. IN011758, DATED MARCH 10, 2021)

LOTS 15, 16, 17, 18, 19 AND 20, BROADMOOR ANNEX, ADDITION TO THE TOWN OF MUNSTER, AS SHOWN IN PLAT BOOK 18, PAGE 16, LAKE COUNTY, INDIANA AND PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 10 WEST OF THE 2ND P. M. IN THE TOWN OF MUNSTER, LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS THAT PARCEL OF LAND LYING EAST OF THE EAST LINE OF LOT 20 BROADMOOR ANNEX, AS THE SAME APPEARS IN PLAT BOOK 18, PAGE 16, IN THE RECORDER'S OFFICE, LAKE COUNTY, INDIANA, AND WEST OF A LINE THAT IS THREE (3) FEET WEST OF AND PARALLEL TO THE WEST LINE OF LOT 21, OF SAID BROADMOOR ANNEX AND NORTH OF NORTH RIGHT-OF-WAY LINE OF RIDGE ROAD AND SOUTH OF THE TWENTY (20) FOOT EAST-WEST DEDICATED ALLEY IN BROADMOOR ANNEX.

SURVEY RELATED ITEMS IN SCHEDULE B, PART II EXCEPTION ITEMS AS FOUND IN THE GREATER INDIANA TILE COMPANY TITLE COMMITMENT, UNDER ORDER NO. IN011758, DATED MARCH 10, 2021:

- (13) AGREEMENT FOR EASEMENT RECORDED SEPTEMBER 3, 1960 IN MISCELLANEOUS RECORD 783, PAGE 523 AS DOCUMENT NO. 277245, MADE BY GOSTLIN, MEYN & WEISS, INC. TO THE TOWN OF MUNSTER GRANTING A PERMANENT EASEMENT FOR THE PURPOSE OF LAYING A WASTE WATER PIPE OR WATER MAIN OVER AND ACROSS THE EAST FOUR FEET OF LOT 18 OF THE LAND. (AS SHOWN ON SURVEY)

## Additional Survey Related Notes:

- Dimensions on this plat are expressed in feet and decimal parts thereof, and are measured values, unless otherwise noted.
- This survey does not purport to show data concerning the existence, size, depth, condition, capacity or location of any utilities, structures and/or features, other than those observed and shown. Prior to any excavation contact the local utility facilities or call (811) for field locations of underground utility lines.
- As it pertains to Item 9 of the Table A for ALTA/NSPS Land Title Survey optional survey responsibilities and specifications, at the time the survey work was being conducted, the surveyed parcels contained 32 parking spaces, 3 of which are for handicapped parking.
- This survey does not address the existence, if any, of items that would require an interpretation by the surveyor, (I.E. compliance with all zoning requirements) existence of items beyond the qualification of survey (I.E. wetlands, hazardous material) and items not readily visible during a reasonable inspection of site (past cemeteries, landfills, and mineral rights).
- Parcels identified by title description or record references as per 865 IAC 1-12-13-14 are obtained from County Auditor's Office and/or Recorder's Office and are not certified. The information may or may not reference the most current deed or record or the most current status or title for that parcel.
- As it pertains to Items 11(a) & 11(b) of the Table A for ALTA/NSPS Land Title Survey optional survey responsibilities and specifications, as of the date of this survey, this office has not received any plans and/or reports from the client which depict the locations of underground utilities servicing or located on the subject parcel. These plans and/or reports are required in order to fulfill the minimum requirements of certifying this survey to said Item 11(a). Additionally, at the time the survey work was being conducted, it did not appear that underground utility markings, painted or flagged, were present on the site. These underground utility markings, being marked on the ground by a qualified underground utility locate company, are required in order to fulfill the minimum requirements of certifying this survey to said Item 11(b).

## SURVEYOR'S REPORT:

This Plat represents a Retracement Survey of the following description: LOTS 15, 16, 17, 18, 19 AND 20, BROADMOOR ANNEX, ADDITION TO THE TOWN OF MUNSTER, AS SHOWN IN PLAT BOOK 18, PAGE 16, LAKE COUNTY, INDIANA AND PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 10 WEST OF THE 2ND P. M. IN THE TOWN OF MUNSTER, LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS THAT PARCEL OF LAND LYING EAST OF THE EAST LINE OF LOT 20 BROADMOOR ANNEX, AS THE SAME APPEARS IN PLAT BOOK 18, PAGE 16, IN THE RECORDER'S OFFICE, LAKE COUNTY, INDIANA, AND WEST OF A LINE THAT IS THREE (3) FEET WEST OF AND PARALLEL TO THE WEST LINE OF LOT 21, OF SAID BROADMOOR ANNEX AND NORTH OF NORTH RIGHT-OF-WAY LINE OF RIDGE ROAD AND SOUTH OF THE TWENTY (20) FOOT EAST-WEST DEDICATED ALLEY IN BROADMOOR ANNEX.

## THEORY OF LOCATION:

This Survey is based on the locations of called-for and uncalled-for monuments found at or near the corners of the subject parcel, and at or near the corners of adjacent parcels as shown herein. Reference was made to the following:

- The record Subdivision Plat of Broadmoor Annex, (Munster), as per plat thereof, recorded in Plat Book 18, Page 16 in the Office of the Recorder of Lake County, Indiana.
- The State Highway plans for (federal road region 5) project number M-N 182(1) fiscal year 1976 sheets 11, 12, and 22 of 61.

The purpose of this ALTA/NSPS Land Title Survey was to perform a retracement survey of the above described parcels of land. A search was performed throughout the surveyed parcel and surrounding parcels of land for boundary corner monuments and the results of said search are shown herein. The basis of bearings for this survey was an assumed bearing of North 90 degrees 00 minutes 00 seconds East along the North line of the subject parcel and all other bearings shown on this plat are to represent angular relationships between the lines. I, established the North, and East lines from existing monumentation found North of the subject parcel as shown in detail on the survey. In addition I held the location of the existing buildings to establish the West line as I felt the original surveyor would have laid out the buildings as they are very close the boundary line as shown herein. The existing improvements fit well with the boundary solution as shown.

## A.) AVAILABILITY OF MONUMENTS:

Uncertainties in Monument locations are noted. Unless otherwise stated, found monuments were undisturbed, in good condition, of unknown origin, and at or near grade.

## B.) OCCUPATION AND POSSESSION:

The apparent uncertainties resulted due to occupation or possession lines, are the existing fences along the East line and the existing buildings along the West line shown in detail herein.

## C.) CLARITY OR AMBIGUITY OF RECORD DESCRIPTIONS:

No apparent ambiguity in the record description of the subject parcel was found with the adjactors.

## D.) RELATIVE POSITIONAL ACCURACY (due to random errors in measurements):

The survey performed met the requirements of a URBAN SURVEY according to title 865 IAC 1.1 - 12 et seq. The allowable relative positional accuracy is not less than 0.07 feet (21 millimeters) plus 50 parts per million for set monuments.

## CERTIFY TO:

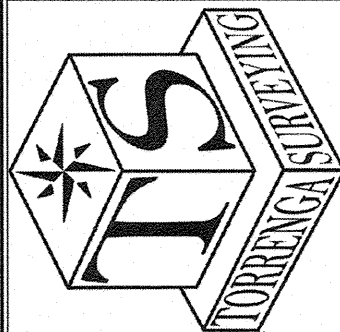
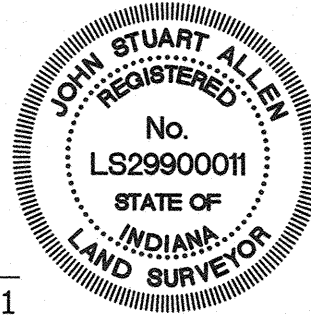
- Robert A. Bracco & Associates
- Saber Sabbah
- Ridge Complex LLC
- Greater Indiana Title Company

STATE OF INDIANA }  
COUNTY OF LAKE }

DATE OF SURVEY: May 24, 2021

TORRENGA SURVEYING, LLC.

JOHN STUART ALLEN - Registered Land Surveyor No. LS29900011



**TORRENGA SURVEYING, LLC**  
PROFESSIONAL LAND SURVEYORS  
907 RIDGE ROAD, MUNSTER, INDIANA 46321  
TEL. NO.: (219) 836-8918  
WEBSITE: WWW.TORRENGA.COM

ALTA/NSPS LAND TITLE SURVEY  
LOTS 15-20 IN BROADMOOR ANNEX  
II - 19, 13 - 17, & 23 RIDGE ROAD  
IN THE TOWN OF MUNSTER  
LAKE COUNTY, INDIANA

DATE: MAY 24, 2021

CLIENT: ROBERT A. BRACCO & ASSOCIATES

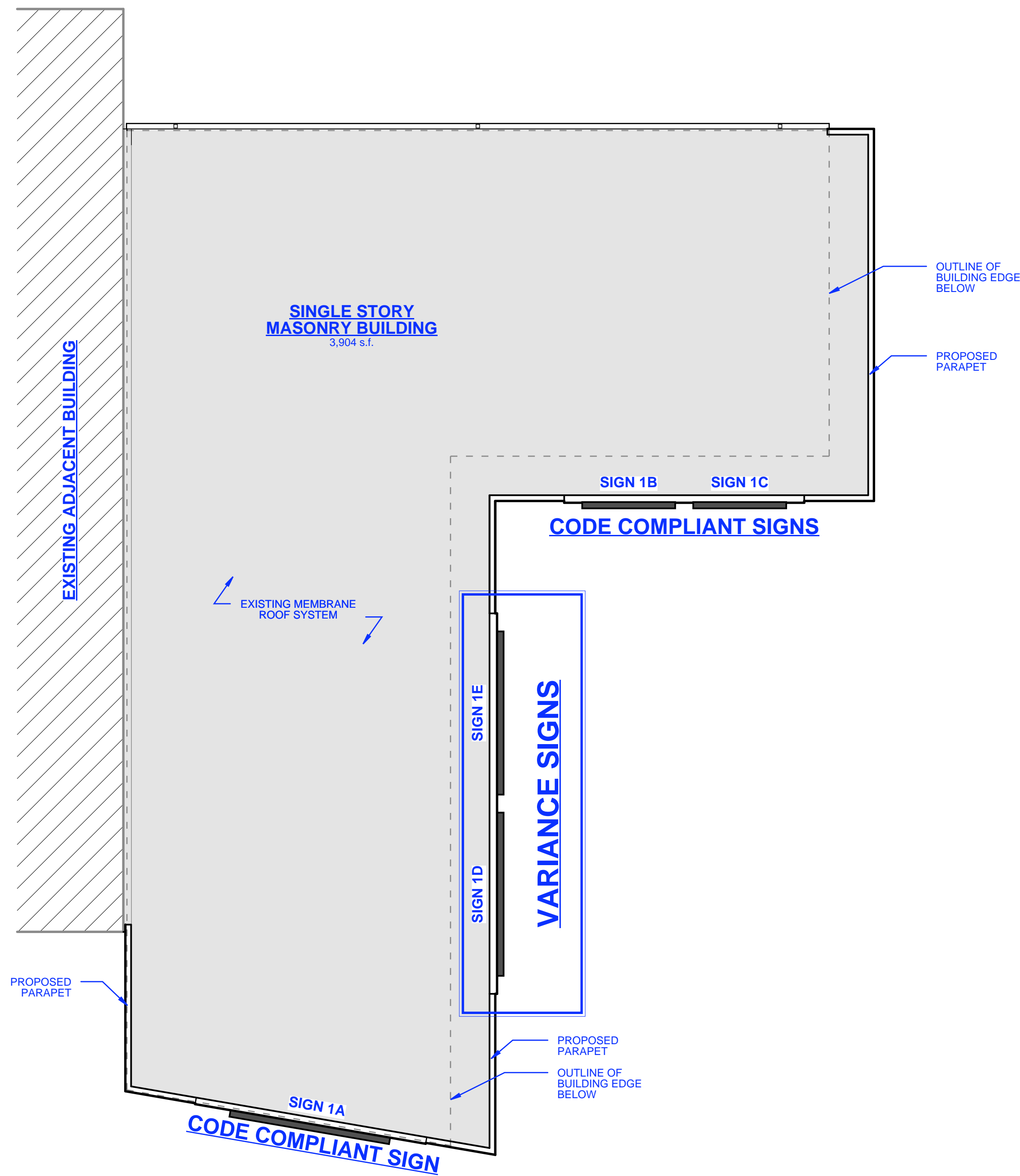
JOB NO: 2021-0325  
DRAWN: OP

SCALE: 1"=20'

2A/Broadmoor Annex, Munster, 18-16-0400/2021-0325 03-26-04mg 5/22/2021 9:57:04 AM C:\

SHEET  
1 OF 1



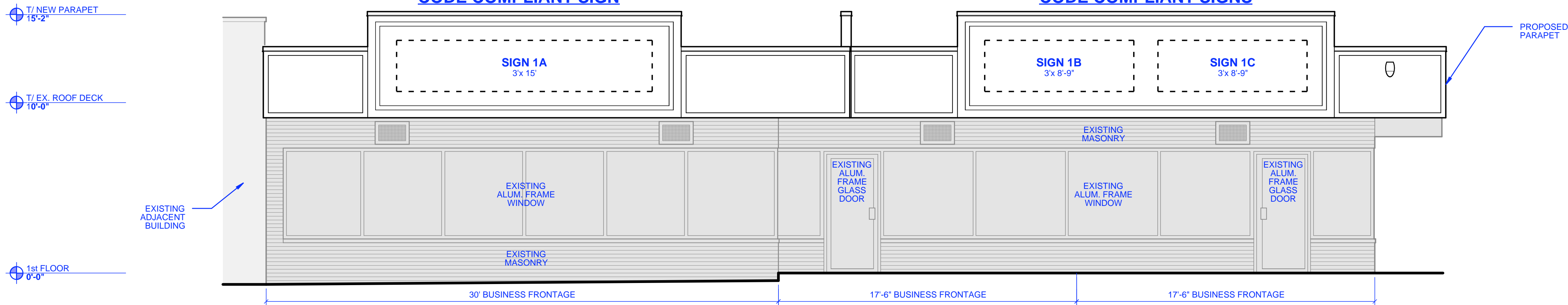


1 ROOF PLAN  
SCALE: 1/8" = 1'-0"

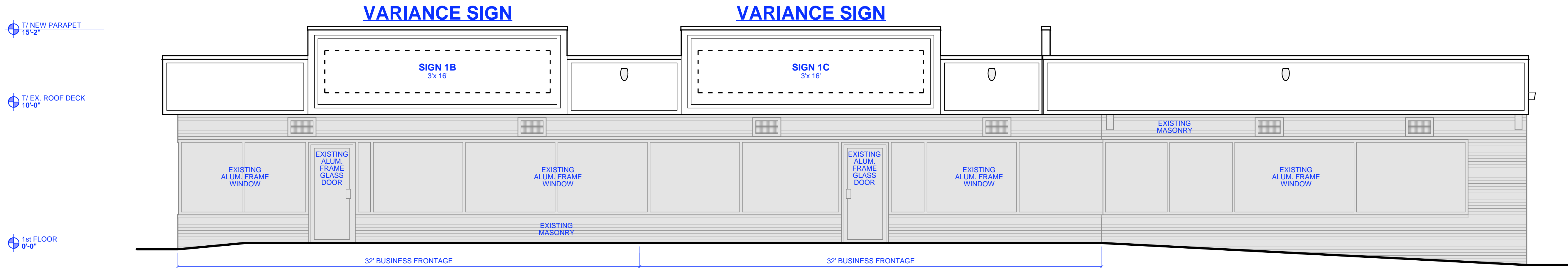
SIGN REQUIREMENTS
1. ALL NEW SIGNS SHALL COMPLY WITH THE REQUIREMENTS OF THE TOWN OF MUNSTER.
2. ALL NEW SIGNS REQUIRE A PERMIT FROM THE TOWN OF MUNSTER, SEPERATE FROM THIS PERMIT.

SIGN REQUIREMENTS
ZONING DISTRICT: CD-4.A General Urban
SIGN TYPE (Table 26-6.701.A) Wall Sign
SPECIFIC STANDARDS (Table 26-6.701.B) Quantity: One per first floor business Frontage if multi tenant Building.
Area: 1.5 s.f. per lineal foot of Facade or business frontage.
Width: maximum 100% of Facade width.
Depth/Projection: 7" maximum.
Sign Size w/ building setback less than 100: Maximum overall height = 36"

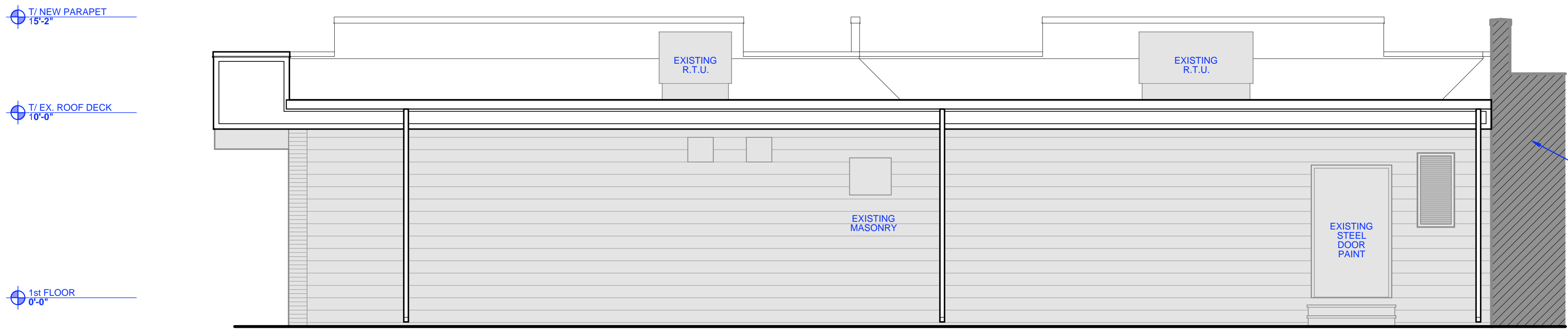
SIGN SCHEDULE	
<u>CODE COMPLIANT SIGNS</u>	<u>VARIANCE SIGNS</u>
<b>SIGN 1A</b> AREA: 30'x 1'-6" = 45 s.f. SIZE: 3' x 15'	<b>SIGN 1D</b> AREA: 32'x 1'-6" = 48 s.f. s.f. SIZE: 3' x 16'
<b>SIGN 1B</b> AREA: 17'-6"x 1'-6" = 26.25 s.f. SIZE: 3' x 8'-9"	<b>SIGN 1E</b> AREA: 32'x 1'-6" = 48 s.f. SIZE: 3' x 16'
<b>SIGN 1C</b> AREA: 17'-6"x 1'-6" = 26.25 s.f. SIZE: 3' x 8'-9"	



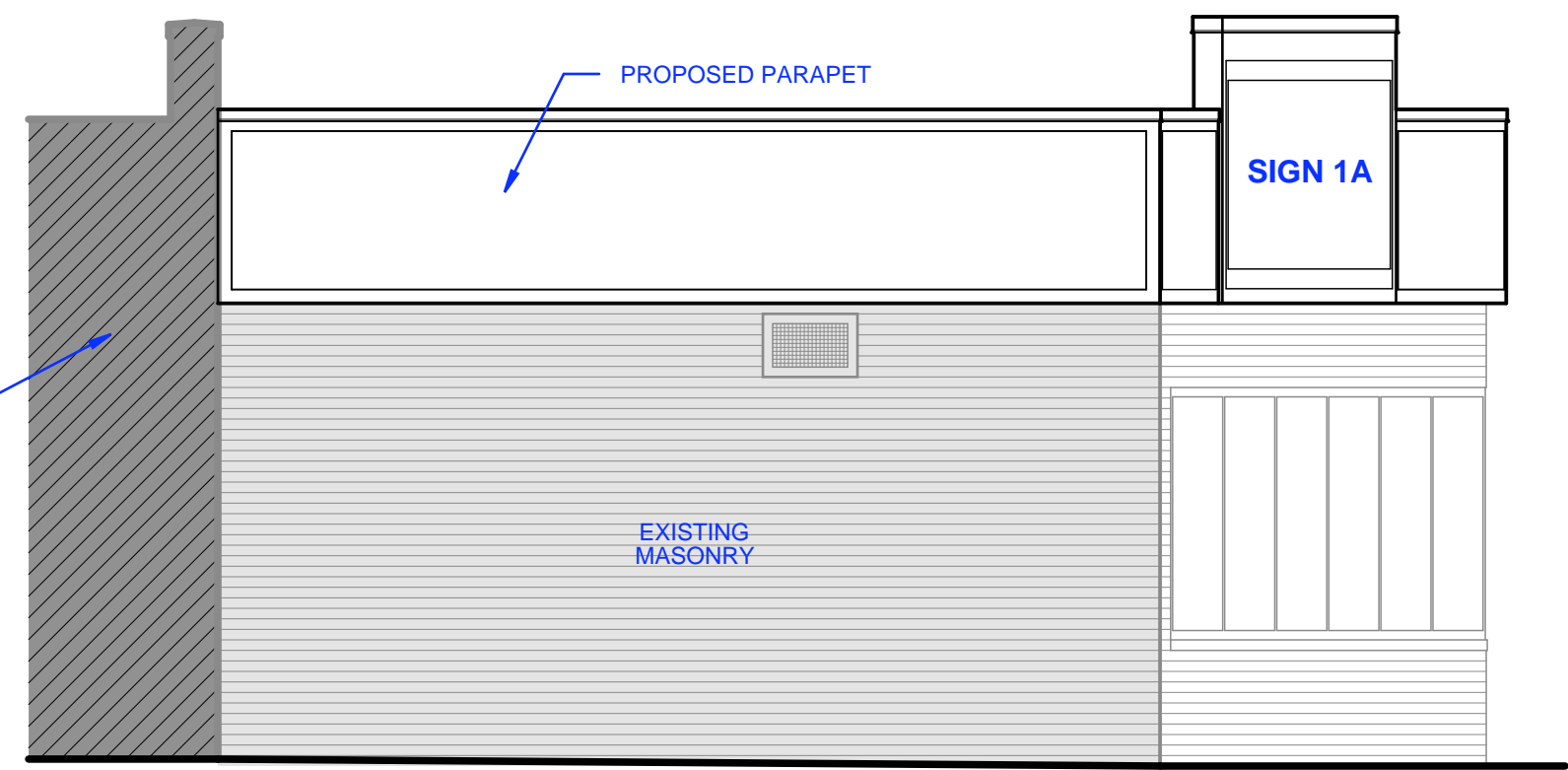
**A SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**B EAST ELEVATION**  
SCALE: 1/4" = 1'-0"



**C NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**D WEST ELEVATION**  
SCALE: 1/4" = 1'-0"

