



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. 23-009

Application Type: **Developmental Standards Variance**

Hearing: **PRELIMINARY HEARING**

Summary: Family Dental Care is seeking a Developmental Standards Variance to allow two (2) wall signs that exceed the overall height maximum allowed by ordinance.

Applicant: Alexander Alemis

Property Address: 8252 Hohman Avenue

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

Adjacent Zoning: North: CD-4.A: (General Urban - A District)
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 and preliminary sign plans

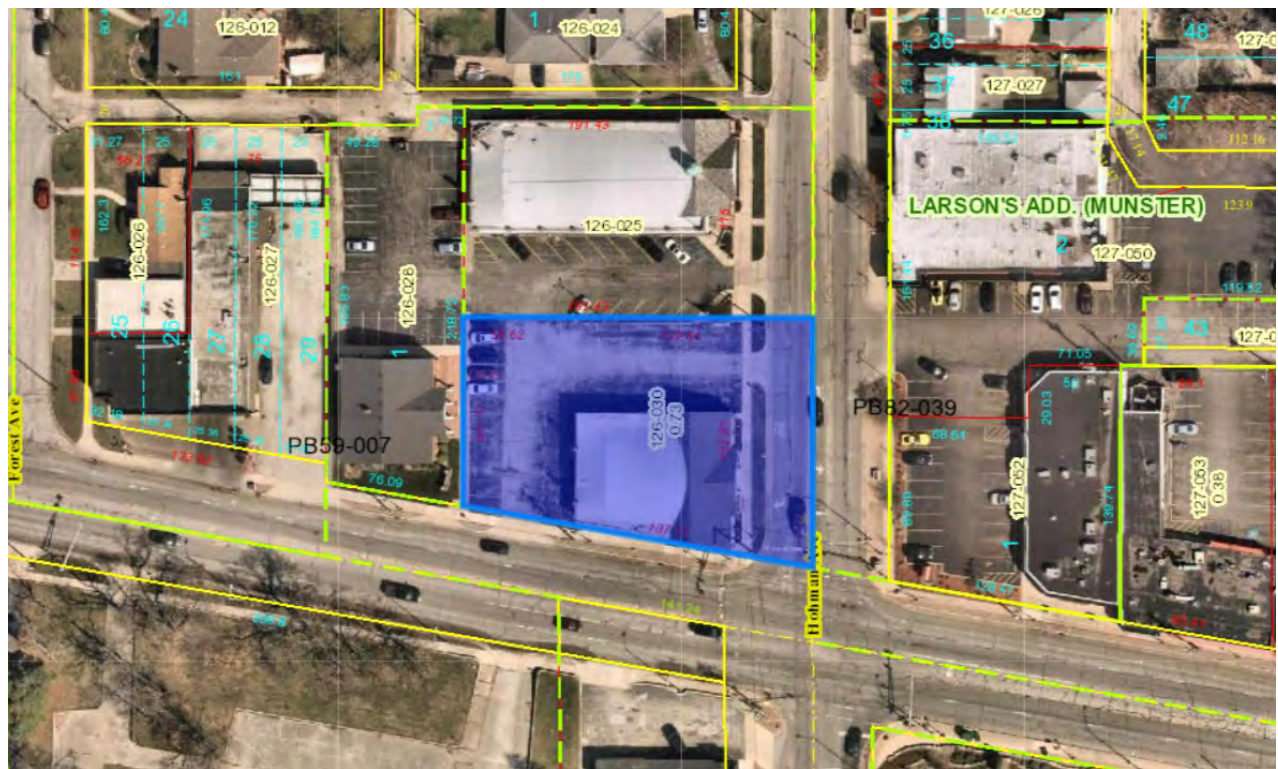


Figure 1 Subject property.

BACKGROUND

Family Dental Care is seeking a Development Standards Variance to allow two (2) wall signs that exceed the overall height maximum allowed by ordinance.

According to the Munster Character-Based Zoning Code, Table 26-6.701.B Sign Size indicates that the overall maximum height of a wall sign shall be 48.” The petitioner is requesting a variance to allow for two signs with overall heights of 73” and 71.”



Figure 2 Proposed Sign 71”.

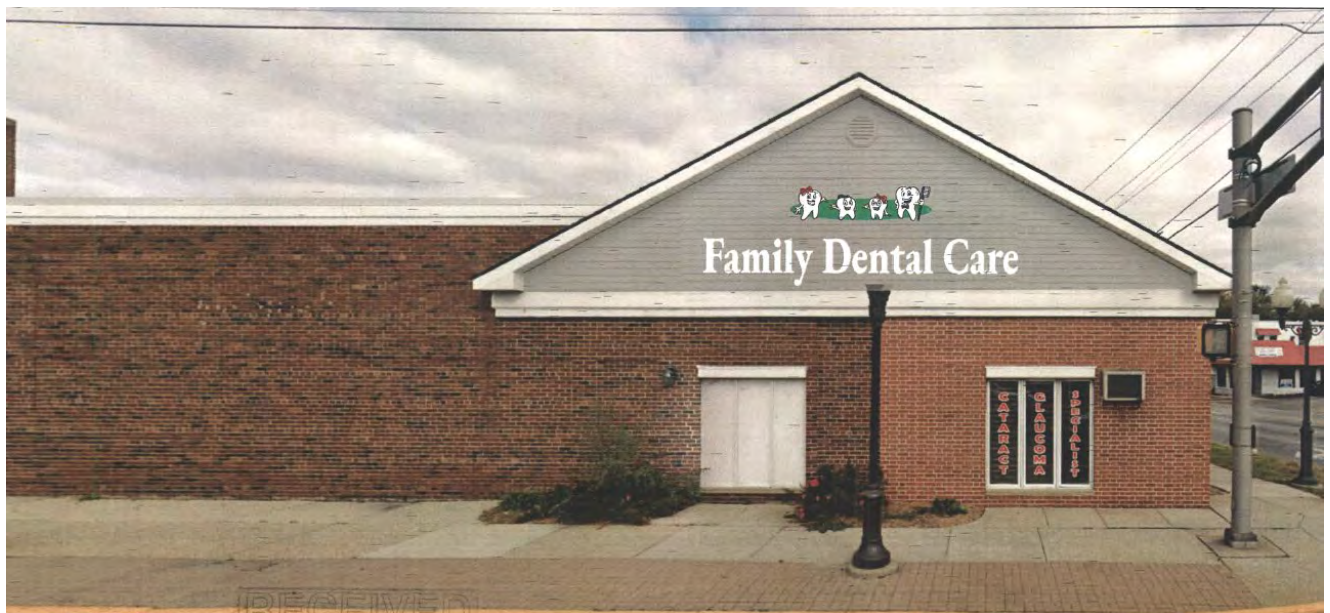


Figure 3 Proposed Sign 73”.

1005 Ridge Road • Munster, IN 46321 • (219) 836-8810 • Police/Fire Emergencies 911
Police Non-Emergency (219) 836-6600 • Fire Non-Emergency (219) 836-6960

www.munster.org

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. 23-009 at the October 10, 2023 Board of Zoning Appeals Meeting.

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Petition BZA _____ - _____

Date: _____

Application Fee: \$ _____

Sign Fee: \$ _____

Town of Munster Board of Zoning Appeals Petition Application

OWNER INFORMATION:

USEOLA PROPERTIES, LLC

Name of Owner

773-251-7573

Phone Number

12151 S 73RD PLACES HEIGHTS, IL 60463

Street address, City, ST, ZIP Code

FDL23@comcast.net

Email address

APPLICANT OR PETITIONER INFORMATION (if different than above):

ALEXANDER ALEMIS

Name of Applicant/Petitioner

773-251-7573

Phone Number

8252 HOFFMAN AVE MUNSTER, IN 46321

Street address, City, ST, ZIP Code

FDL23@COMCAST.NET

Email address

PROPERTY INFORMATION:

dba FAMILY DENTAL CARE

Business or Development Name (if applicable)

8252 HOFFMAN AVE MUNSTER, IN 46321

Address of Property or Legal Description

Current Zoning

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):

OUR BUILDING SIGN HAS BEEN APPROVED BY THE BOARD

AND PERMIT ISSUED. WE ARE REQUESTING TO MOVE

THE LOGO ON TOP OF THE LETTERS WITHOUT CHANGING

THE APPROVED SIZE OF THE LOGO OR LETTERS

DENNIS XENOS

Name of Registered Engineer, Architect or Land Surveyor

312-919-3838

Phone Number

Street address, City, ST, ZIP Code

DX@sonexpmatics.com

Email address





Petition BZA _____

Town of Munster Board of Zoning Appeals Application Signature Page

* I hereby authorize LAURA PUGH to act on my behalf as my agent in this petition and to furnish, upon request, supplemental information in support of this petition application.

Signature of Owner

Date

8/15/23

Signature of Applicant

Date

8/15/23

* LAURA PUGH contact
219-808-0381
LAURA@familydentalcare.com

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 SIZE OF OUR SIGN HAS ALREADY BEEN APPROVED. AS WE ARE ONLY ASKING TO MOVE THE POSITION OF THE LOGO WITHOUT ALTERING THE SIZE. THIS WILL NOT BE INJURIOUS 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 this case:

THIS IS TRUE AS THE APPROVED SIZE WILL NOT CHANGE, THIS WILL NOT AFFECT ANY ADJACENT PROPERTY.

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:

DUE TO THE EXISTING TWO TRIANGLES OF THE BUILDING STRUCTURE, IT WOULD SQUEEZE THE SIGN TO THE BOTTOM IN ONE LINE AND IT WOULD LOOK UNESTHETIC FOR OUR PRACTICE AND MUNSTER OVERALL.

Attach additional pages if necessary



Family DENTAL CARE®

MUNSTER DENTAL CARE, P.C.
8252 Hohman Ave. Munster, IN 46321
219-836-8200

July 31, 2023

Board of Zoning Appeals
Community Development Department, Town Hall
1005 Ridge Road
Munster, IN 46321

Dear Board,


Our building sign was approved. See enclosed.

It fulfills all the specifications, but because of the design of the building (see two triangles), it would be best if the logo of the practice, same size as it is now approved, went above the Family Dental Care letters to fit the triangle better and look more uniform.

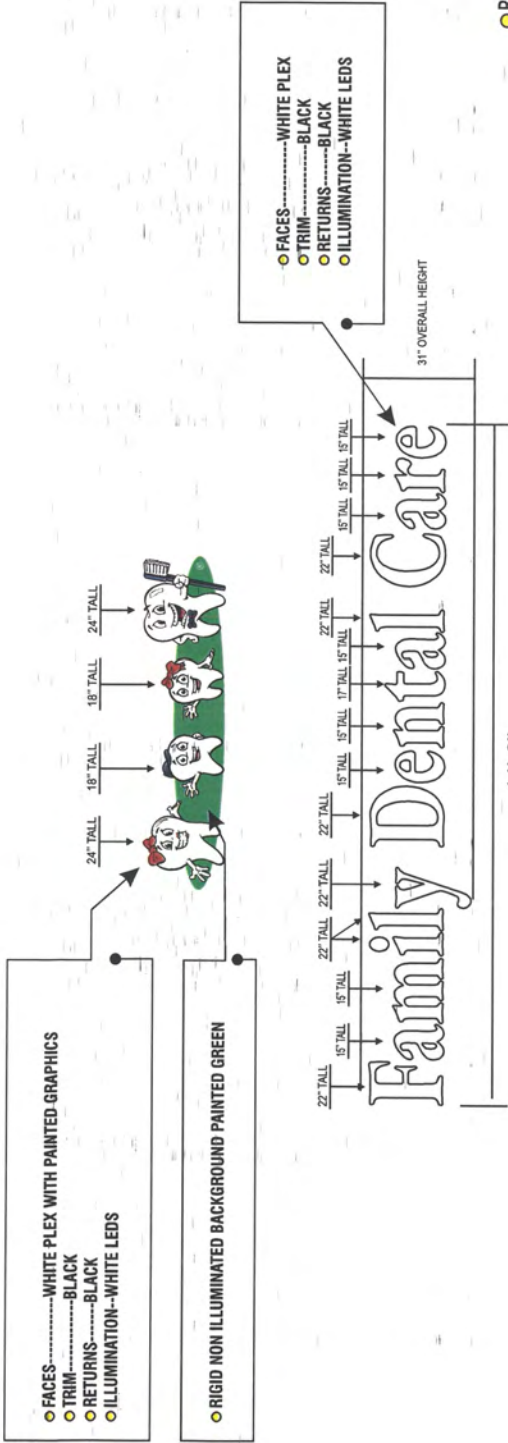
We are not requesting a change in the size of the letters or the logo, just to move the approved size of the logo to go on top of Family Dental Care for better esthetics.

We appreciate your consideration of this variance and look forward to cooperating with your decision.

Sincerely,


Alexander Alemis, DDS, FAGD
President





- RACEWAY MOUNTED CHANNEL LETTERS
- 120 VOLT PRIMARY / 12 VOLT SECONDARY POWER SUPPLIES



RECEIVED

AUG 16 2023

MUNSTER BUILDING DEPARTMENT

<div> </div>	<div> 4543 W. Addison Chicago IL. 60641 PH. 773-736-0800 FAX 773-736-4730 </div>	<div> DESCRIPTION: LED ILLUMINATED CHANNEL LETTERS RACEWAY MOUNTED CUSTOMER: FAMILY DENTAL CARE CUSTOMER ACCEPTANCE: </div>
		<div> DATE: 8-7-23 </div>

REQUIRED ATTACHMENTS

Required Attachments for Board of Zoning Appeals Applications

To ensure that adequate information is provided to the BZA, please check off each of these items and provide documentation to the Community Development Department at the time of submittal of the application.

ALL APPLICATIONS	Included	N/A
Narrative statement describing project	✓	
Property owner consent (Signature page)	✓	
Proof of Ownership (e.g. copy of tax bill)		
Plat of Survey depicting current conditions		
Site Plan containing the following:		
Boundary identification		
Fire hydrant locations		
Accessory structures		
Parking lot design		
Utility location		
Building footprints		
Proposed curb cuts		
Drainage/detention plans		
Traffic circulation		
Ingress/egress locations		
Major topographic information		
Infrastructure improvements		
Conditions of Approval Form (Note: complete the form specific to your petition)*		
Any other information that the BZA may find useful in determining whether the application is merited.		

* Unique conditions have been established for special use permits for public garages, gas filling stations, used car lots, garden centers, massage parlors, adult bookstores, tattoo parlors, adult cabarets, and outdoor dining areas. Community Development staff will advise potential applicants of these at the pre-application meeting.

NOTE: If you checked any exhibits "N/A", please explain:

American Land Title Association

ALTA Settlement Statement - Borrower/Buyer
Adopted 05-01-2015

File No./Escrow No. : 15703-22-02298-IN
Print Date & Time: May 19, 2022 10:13 am
Officer/Escrow Officer :
Settlement Location : 7765 Coldwater Rd
Fort Wayne , IN 46825

Doma Insurance Agency of Indiana, LLC
7765 Coldwater Rd
Fort Wayne , IN 46825

Property Address: 8252 Hohman Ave
Munster, IN 46321

Buyer: Osceola Properties Inc.
12151 South 73rd Ave.
Palos Heights, IL 60463

Seller: Hohman Avenue Properties, LLC
6418 Old Pecan Dr.
Richmond, TX 77406

Lender: Lender with contractual obligations under a loan agreement with the proposed purchaser

Lender Address:
Loan Number:

Settlement Date: May 19, 2022
Disbursement Date: May 19, 2022

Description

Borrower/Buyer

Debit Credit

Financial