



BOARD OF ZONING APPEALS STAFF REPORT

To: Members of the Board of Zoning Appeals

From: Sergio Mendoza, Planning Director

Meeting Date: December 12, 2023

Agenda Item: BZA 23-013

Application Type: Developmental Standards Variance

Hearing Type: Rescheduled Public Hearing

Summary: Steve Coppolillo is seeking a Developmental Standards Variance from 26-6.701 B. 5. 0. to allow one additional Awning Sign along the Drive Aisle Façade for Rosebud Steak House located at 9601 Calumet Avenue, Ste D.

Applicant: Steve Coppolillo

Property Address: 9601 Calumet Avenue, Ste D.

Current Zoning: SD-PUD (Planned Unit Development Special District)

Adjacent Zoning:
North: SD-PUD (CV Planned Unit Development)
South: SD-PUD (CV Planned Unit Development)
East: SD-PUD (CV Planned Unit Development)
West: SD-M (Manufacturing)

Action Requested: Public Hearing

Actions Required: Review Findings of Fact and Reschedule Public Hearing

Staff Recommendation: Schedule Public Hearing for January 9, 2024

Attachments:
1. BZA Application, Exhibit A (pg. 8)
2. Site Plan, Exhibit B (pg. 12)

PROJECT BRIEFING

Steve Coppolillo, on behalf of Rosebud Steak House, is representing the property owner at 9601 Calumet Avenue, Matthew Kimmel. See Image 1 below. Mr. Coppolillo has installed awning signs without a permit, that face the Drive Aisle of the Centennial Village Development. Mr. Coppolillo is seeking a variance request from the Munster Character Based Zoning Code (MZC), SECTION 26-6.701 B. 5. 0. to permit one additional Awning Sign at Rosebuds Steakhouse Drive Aisle Front Lot Lines, see Image 2.

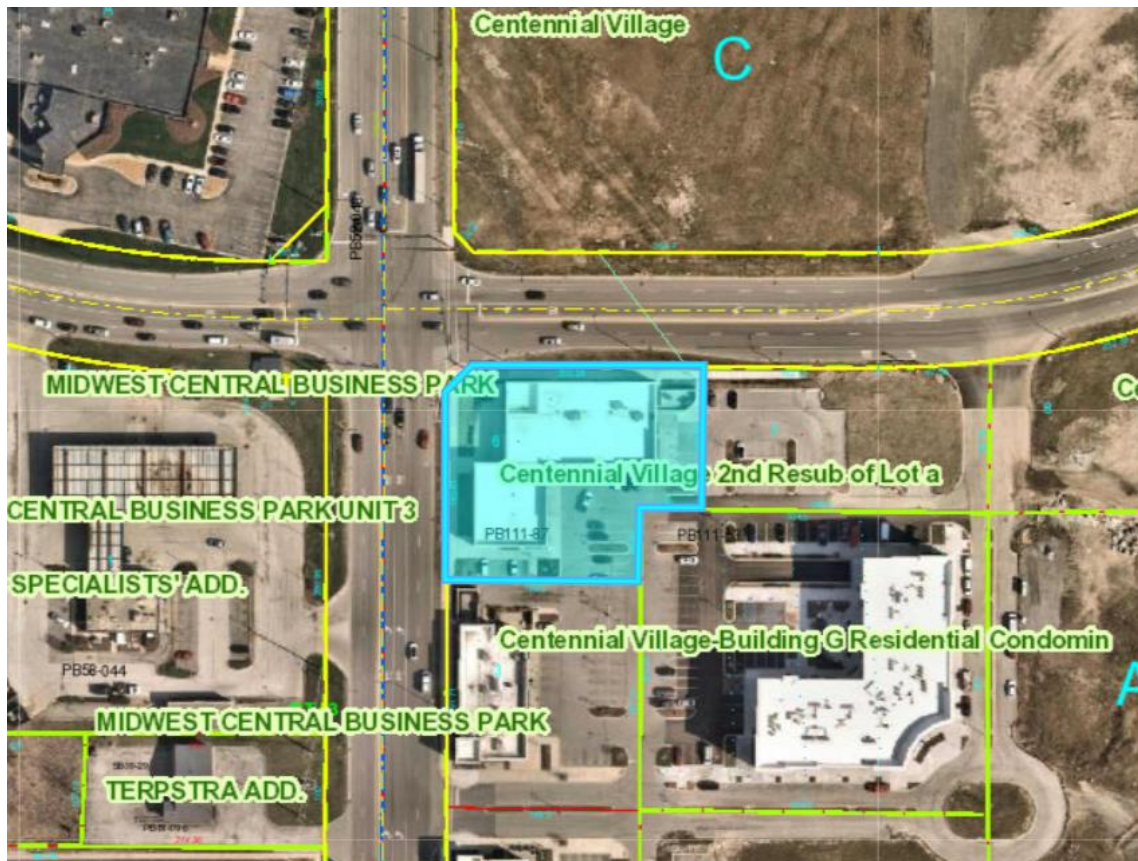


Image 1 Subject property.

PROJECT HISTORY

In May of 2023 the subject property secured wall sign permits and a canopy sign permits for each Building Façade Frontage Line, see Image 3. In August of 2023 Rosebud Steakhouse installed awning signs which face the Drive Aisle Front Lot Lines without a sign permit, see Image 4. Code Enforcement advised the property owner to remove the sign or apply for a Developmental Standards Variance to allow signage (awning signs) facing Drive Aisle Front Lot Line.



Image 2 Signage Location.

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

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Image 3 Existing signage with building permit

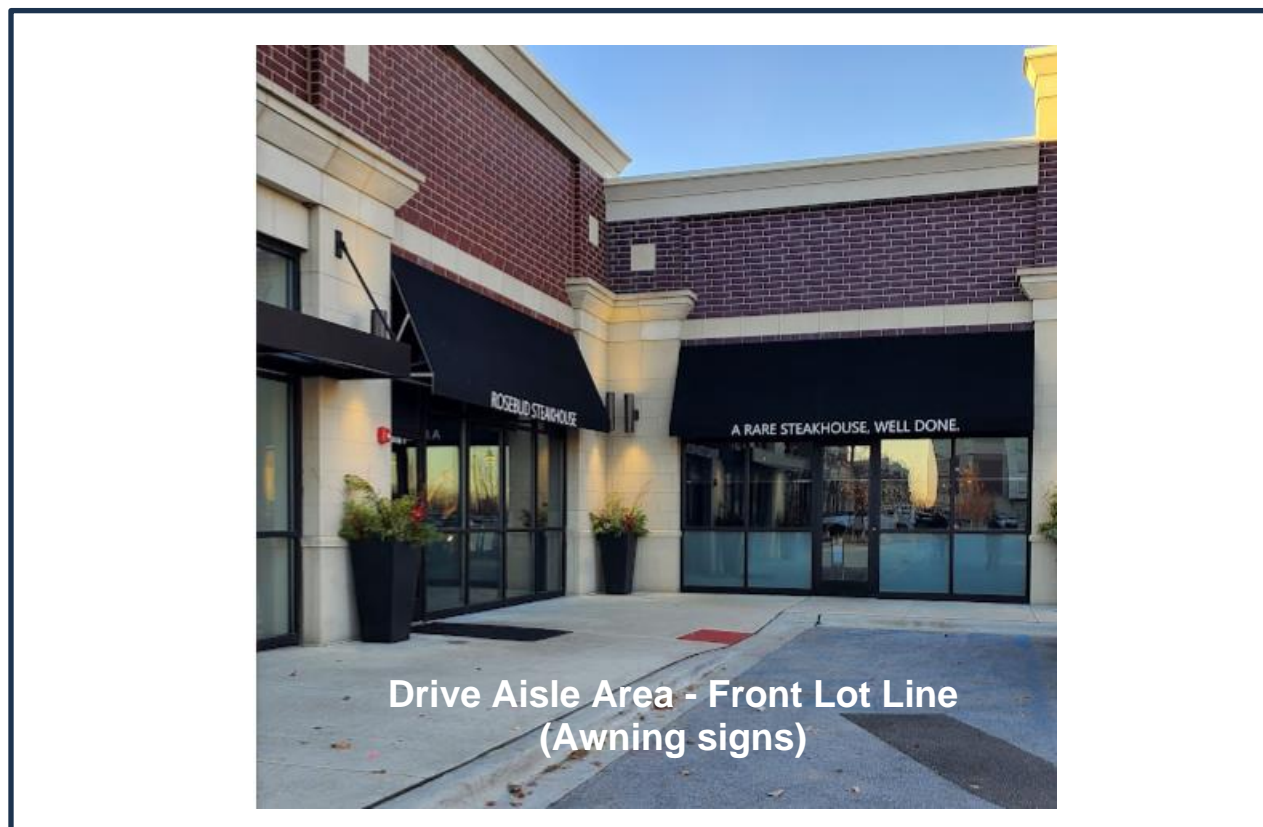


Image 4 Existing signage without building permit.

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DISCUSSION

The primary entrance into the Rosebud Steakhouse establishment is located along the east side and the south side of the building façade, which faces the parking lot and are identified as Drive Aisle Areas. Because this Building Façade does not have primary entrance along the Frontage Line on the north side and west side of the building, they are requesting one additional Awning Sign be afforded to the Drive Aisle designation as the Building Façade Frontage line.

If the variance is approved, the petitioners would be permitted to install signage that conforms to the sign standards applicable in Table 26-6.701.A to include one additional Awning Sign only.

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.*

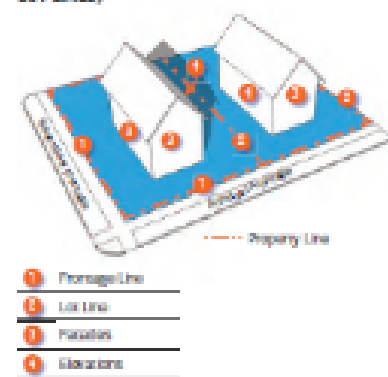
**The facade of 9601 Calumet is along Calumet Avenue and 45th Avenue, there are no public entrance that faces these roads where signage is allowed. The primary public entrance facade faces the Drive Aisle (parking lot), meaning signage is not allowed at the entrances to the businesses that face the parking lot.*

ILLUSTRATION 26-6.901.F-1 FAÇADE



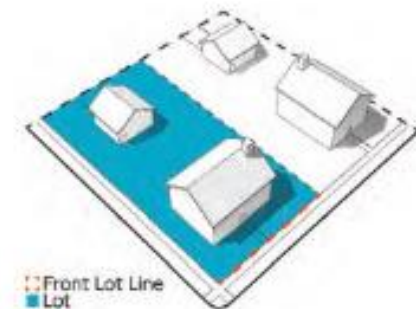
*A **Frontage Line** is defined as the common line that separates the Private Frontage from the Public Frontage, typically at the Front Lot Line in cases where the entire Public Frontage is with the public right-of-way.*

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 26-6.801F-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.

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
- ii. 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;
- iii. such Variance is the minimum Variance that will relieve such practical difficulties or unnecessary hardships, as applicable;

- iv. such Variance is in the spirit of the general purposes and intent of this Article as stated in Division 1; and

- v. 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.

STAFF FINDINGS and RECOMMENDATION

Steve Coppolillo, Rosebud Steak House, was not present at the Preliminary Hearing. Staff finds the application and supporting documents are in order and requests that this application advance to Public Hearing. BZA motioned to set BZA23-012 for Public Hearing on December 12, 2023. However, Public Notice requirements were not met, and updated Public Notices information has been provided for a January 9, 2024 Public Hearing.

MOTION

The Board of Zoning Appeals may consider the following motion:

Motion to reschedule BZA23-012 for Public Hearing on January 9, 2024

EXHIBIT A**Town of Munster Board of Zoning Appeals Petition Application****OWNER INFORMATION:**

Name of Owner Natasha Kimmel (CV BDG B LLC) **Phone Number** 312-207-0151
Street address, City, ST, ZIP Code 631 Kellaway Drive, Over, IN 46344 **Email address** Nat@MKimmel.com

Petition BZA _____

Date: _____

Application Fee: \$ _____

Sign Fee: \$ _____

APPLICANT OR PETITIONER INFORMATION (if different than above):

Name of Applicant/Petitioner Steve Capalillo **Phone Number** 219-781-7751
Street address, City, ST, ZIP Code 1716 Clark Court Crown Point, IN 46307 **Email address** steve@rockhilled.com

PROPERTY INFORMATION:

Business or Development Name (if applicable) Roscoe Suburbuse
Address of Property or Legal Description 9601 Crown Ave. Munster, IN 46341 **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):

Asking for a variance on signage for existing business

Name of Registered Engineer, Architect or Land Surveyor _____**Phone Number** _____**Street address, City, ST, ZIP Code** _____**Email address** _____

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Petition BZA _____ - _____

Town of Munster Board of Zoning Appeals Application Signature Page

I hereby authorize _____ 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 black ink, appearing to be "M. Miller", written over a horizontal line.

Signature of Owner

A handwritten date "9/20/23" in black ink, written over a horizontal line.

Date

A handwritten signature in blue ink, appearing to be "J. Smith", written over a horizontal line.

Signature of Applicant

A handwritten date "9/20/23" in blue ink, written over a horizontal line.

Date

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:

*The sign is a small description stating A RARE STEAKHOUSE
DONE WELL.*



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 approval of this variance is for a sign that advertises where the restaurant is located. It is located on an awning in the back parking lot of the building where our restaurant is.

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:

The use and value of the area adjacent to the property will not be affected because it doesn't block the view of their property or business.

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:

This doesn't pertain to our business

Attach additional pages if necessary



EXHIBIT B