

**MUNSTER BOARD OF ZONING APPEALS**  
**MINUTES OF REGULAR BUSINESS MEETING**  
Meeting Date November 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  
Roland Raffin

**Members Absent:**

Brad Hemingway  
Brian Specht

**Staff Present:**

Sergio Mendoza, Planning Director  
Jill DiTommaso, Deputy Town Manager  
David Wickland, Attorney

**Approval of Minutes: None**

**Preliminary Hearings:**

- a. BZA23-012 Dave DeRolf is seeking a Developmental Standards Variances to allow a fence to be installed 14' 11" from the house at 8649 Greenwood Avenue.**

Mr. Mendoza said Dave DeRolf is representing the property owner at 8649 Greenwood Avenue, Paul Kraszyk. Mr. DeRolf has submitted a fence permit to remove and reinstall an existing fence on the south 14 feet 11 inches from the home. The fence permit is currently on hold and is seeking a variance request from the Munster Character Based Zoning Code (MZC), TABLE 26-6.405 A-3 Private Landscaping and Fencing, Corner Lots, 3.; which requires a fence be setback three feet from the public right-of-way. A fence 11 feet south from the home would be permitted without variance approval. He said the Board of Zoning Appeals may consider a fence from the home to the end of the property line, which is 14 feet south from the home. However, the Board of Zoning appeals cannot grant a variance that will encroach 11 inches into the public right-of-way.

Mr. DeRolf of 325 Beacon Street said they want to replace the fence as it stands today. He said they are limited on the placement and cannot move it closer because a large tree that was cut down on the corner is in the way.

**Motion:** Mr. Raffin moved to set BZA Docket No. 23-012 for public hearing on December 12, 2023.

**Second:** Ms. Mayer

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

- b. BZA23-013 Steve Coppolillo is seeking a Developmental Standards Variances to allow signage that conforms to the Building Façade standards applicable to Drive Aisle Façade for Rosebud Steak House located at 9601 Calumet Avenue, Ste D.**

Mr. Mendoza said Steve Coppolillo, on behalf of Rosebud Steak House, has requested this sign variance for the property at 9601 Calumet Avenue. 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 that the building façade frontage line signs be applicable to the Rosebud Steakhouse rear facing frontage. In answer to Ms. Mayer's request for clarification on the placement of the awnings, whether on Calumet of 45<sup>th</sup> Street, Mr. Mendoza answered that this is similar to the petition at 11 Ridge Road and 15 Ridge Road that was recently heard by the Board. The petitioner wants this signage on the parking lot façade, this is on the interior, facing the parking lot.

**Motion:** Mr. Raffin moved to set BZA Docket No. 23-0132 for public hearing on December 12, 2023.

**Second:** Ms. Mayer

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

#### **Public Hearings:**

- a. BZA23-003 Saundarya and Srikanth Ravindran are requesting approval of a Developmental Standards Variances to permit the construction of a detached garage to increase the total number of garage spaces to five at 1621 Day Lily Lane.**

Mr. Buksa explained that this is a public hearing that was opened last month and remains open. He asked that the those who testified last month not testify and repeat again this month.

Mr. Mendoza said the Ravindrans have indicated to him that they are considering other alternatives to their home plans. They may expand the square footage of the house or connect to the house through a breezeway.

Randall Parr, P.O. Box 467, Zionsville, Indiana, said he is the attorney for the Ravindrans. He said that at the first hearing, there were concerns about the building. He addressed the reaction of the Homeowner's Association, saying that they had not yet provided an approval or a denial. They choose to interpret this as not denied. He said there are revised plans which include addressing the appearance of the structure after comments made by the Board and their neighbors. He said the new structure is not steel; it is siding which will match the house. To address concerns about this being a detached structure, they have now submitted plans to connect to the house. He said this structure continues to be defined as a garage but he wanted to be clear. It is possible a car will be parked there but there are many other possible uses for a storage shed including the storage of yard supplies or a grandparent's belongings. At this point, there is a breezeway to connect to the house. By adding a breezeway and possibly a sunroom, they would be increasing the square footage of the home. He said Charles Collins couldn't tell you what a garage is, they have that in sworn testimony. He said there is no legal issue with the setbacks, the height or width of the building, carport or not. He said the code is clear when a permit is applied for, the Town should take steps to clear ambiguity. This issue has created other problems for the Ravindrans with the neighbors and has come at great expense. They are willing to work with the Town on this. If there are conditions, they would be glad to comply.

Mr. Mendoza read from the staff report a list of people who had contacted him since the last hearing expressing their views on this petition.

Ralph Papesh of 1721 Thistle, in attendance, asked where the structure would be located. He said it was close to the neighbor's property so he would oppose the variance.

Mary Skocik of 1621 Thistle, in attendance, said she had a laundry room built. She has a lot of side yard but had to build inside a 6 foot setback. She said this structure is 3 feet from Judy's house. She asked for

the definition of a garage. She asked why Midwest had not pulled the permit, she never pulled a permit, the contractors did that so it didn't get messed up. She said Munster is a planned community. They all bought into the neighborhood for the amenities, the schools, the parks. She said zoning and coding is not for each person; it is for the community.

Zach Holobowski of 1625 Thistle Lane, in attendance, said he is opposed. He said there are five neighbors who put additions on their houses and they did it tastefully. He said this (structure) does not enhance the neighborhood so he is opposed to it.

Emeet Oniah of 1629 Day Lily, in attendance, said the attorney said he doesn't know if this a shed or a garage but the maximum according to the code is four cars, regardless of square footage. Storage sheds are not permitted on any lot. He said none of the arguments prove a practical difficulty or hardship but the point was made that the variance must be granted to atone for the mistake the Town of Munster made and then denied because it was an unlawful act. He said everybody makes mistakes.

Allen Bobowsky of 9734 Warwick Court, in attendance, said he is in support of building the garage. He said they worked with the Town of Munster. The original permit was denied and this has caused financial hardship. He said the Board should approve this petition. If they reject it, they should provide recompense.

Om Mandana of 1312 Cedar Crest Drive, in attendance, said he agrees with Allen (Bobowsky) that there should be a compromise or there should be financial responsibility for their loss.

Janet Fulte Papesh of 1721 Thistle Lane, in attendance, said she is strongly opposed. A permit was issued maybe for one thing, not another thing. If a mistake was made, the neighborhood should not have this mistake forced upon them.

Kumar Chatterjee of 933 Boxwood Drive, in attendance, said they should compromise. He saw the permit, all questions were addressed and still the permit was issued. He does not want them to put in something that depresses the neighborhood or value. He said there needs to be a compromise they can all live with.

Arun Balakrishnan of 10009 Ashwood Lane, in attendance, said he also agrees with Allen (Bobowsky). There has been no intervening code change since the permit was issued. They should compromise or financially compensate.

Dave Rietman of 1933 Holly Lane, in attendance, said the building department dropped the ball on this one.

Tin-Chun Lin of 1616 Day Lily, in attendance, said they got the permit from the Town of Munster and then shifted the responsibility to the neighborhood. Now they have an issue that has created enemies of neighbors. He agrees with the petitioners, the Town of Munster has a responsibility.

Ranganathan Ravi of 9930 Wild Rose Lane, in attendance, said he heard it said that something had changed after the permit was issued. There should have been a compromise. He said they have not done anything against the law; that is not the case.

Michael Goepfert of 10380 Oxford Lane, in attendance, said the representative spoke at the start that nothing had changed but now there is a breezeway, it sounds like bait and switch. If the Town doesn't catch every little thing, someone needs to be blamed. This is not a game to skirt the issues.

Mr. Buksa closed the Public Hearing.

Mr. Raffin said a new garage must be 3 feet from the side yard, 60 feet from the front and 30 feet from the rear. Ms. Mayer asked about the construction of proposed drawings that were received by the Town staff today (11/14/23). Mr. Parr said the interior is metal and wood, the exterior is siding. Ms. Mayer asked if they had a purchase agreement with Midwest. Mr. Parr said they did. They poured the foundation 2 years ago. He said they have a different design now to address the concerns of the neighbors and the Board. In answer to Ms. Mayer's questions, Mr. Parr said the foundation is an extension of the driveway, the garage construction would be by a general contractor, the garage would not be heated, the exterior would not be wood- it would be siding, the steel would be used for the infrastructure only and the plan is to build an accessory structure, not an addition to the house. They are willing and prepared to talk about it. They need more storage space. Mr. Buksa said there are garages, accessory structures, or additions. Mr. Parr said this hardship is not of their doing, they are seeking an equitable and amicable solution. Ms. Mayer said this started as an accessory structure and is now an addition to get above 5000 square feet. Mr. Raffin said no amount of additional square footage would allow for a five car garage. Mr. Parr said they talked about four cars. Mr. Raffin said a one car garage is 10 feet by 25 feet, not 25 feet by 25 feet. There was further discussion about the doors used, and the foundation depth needed for an attached, enclosed structure versus a detached structure. Mr. Raffin explained that 36 inches below grade is needed for an attached structure. If it is less, the garage can go up and down; there is a differential settlement. Tying in a garage foundation that is not below the frost line can cause the house to shift. Mr. Wickland suggested a continuance to meet and compromise, to find a middle ground. Mr. Raffin said five cars is too much. He suggested they do it right and tie it to the house; that would look nice in the neighborhood. Mr. Parr said the plan they recently presented to the Town is consistent with the property and has the aesthetics to match the house. Mr. Wickland said they should work toward compliance, the Board is not authorized to discuss financial matters. Mr. Mendoza said he would meet with the applicants and petitioners and include that in the staff report next month. Ms. Mayer reiterated that a 300 square foot addition would allow a four car garage. Mr. Parr said he looks forward to working with the Town toward a resolution.

**Motion:** Ms. Mayer moved to continue the discussion for BZA Docket No. BZA23-003 at the December 12, 2023, BZA meeting to allow the opportunity for the applicants to work with Town staff on continued negotiations toward a resolution.

**Second:** Mr. Raffin

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

**b. BZA23-010 Attorney Jim Weiser with Crew Carwash is seeking multiple Developmental Standards Variances for an off-site dumpster location, landscaping, and alterations to a pole sign at 111 Ridge Road.**

Mr. Mendoza said as of this morning (11/14/23), he has not received a signed easement agreement, the parties could not come to an agreement. There are two structures on the site. Now the dumpster is on the west side of the property. They are demolishing the two structures on that west lot. There are questions about an easement agreement, the driveway, the screening, and legal, non-conforming accessory use. He said Mr. Weiser, representing Crew Car Wash, wanted to work on compliance. The

subject site is approximately 75% smaller than other nearby Crew Car Wash facilities in the area. The established lot of record at the Munster location, along with the existing carwash structure, predate the adoption of the town's current zoning codes. The re-establishment of the former carwash may present practical difficulties for the site to fully comply with the strict application of the 30% first lot layer landscape requirements due to the location of the existing structure. In addition, the size of the lot limits the opportunity for a dumpster to meet the current bulk and design standards and be located on-site. The current exposed pole sign structure appears to have been designed to allow for vehicular line of site for customers exiting onto Ridge Road, while allowing for marketing of the location. Finally, from review of a historic arial image, the sign and proportion of the lettering may have been part of the neighborhood character in 1978. It is the opinion of staff that the Town's current zoning codes impact the preexisting structures and site design for the same land use. The staff believes granting the variances requested will relieve such practical difficulties. They said the landscaping and signage, a pole sign, are the best option for line of site exiting.

Mr. Weiser, the attorney for Crew Car Wash, said he was in attendance with two Crew Car Wash employees, Katherine Rayner and Travis Smith, as well as co-counsel, John Reed. He said this Crew Car Wash is located at 111 Ridge Road, the site of the former Munster Car Wash. They are challenged by this much smaller than usual Crew Car Wash site. He said he has worked with Mr. Mendoza on the needs and the landscaping reduction and hardscape. They thought they had an agreement on the dumpster at the property to the east but that fell through in the past week. They will provide an easement for the dumpster, an accessory use structure, on the lot west of the building. One 1,200 square foot building will remain so the dumpster will have a principal structure. The screening and construction will not be negatively impacted. He said this will maintain and even increase the value of the surrounding properties.

John Reed of 8230 Hohman Avenue said he has a law office near this property. He said he was worried about the building and the parking since there are 3 properties that share an access agreement.

It was confirmed that the public notification was in order. Mr. Buksa opened the Public Hearing.

Daniel Albrecht of 8221 Forest, in attendance, said he wanted to see where the dumpster will now be located and if they will now be next to the new parking lot and dumpster. He also wants to know about noise and the lights in windows, cars running off the rails, trash clean up, mowing of the lawn, not cleaning up the site since purchase, and what the back of the property will look like. Ms. Mayer asked where their house was; he answered that it is on the north side of the property.

Jeff Nixon of 8004 Hohman Avenue, in attendance, said this backs up to residential properties. He asked how the new code will look in the future. He said they should do a monument sign like they do in Schererville. He said landscaping is a challenge since it is a small footprint but they knew what they were getting into. He said they should not get a variance; the entrance to Munster is bad to begin with and this doesn't help at all.

Mr. Buksa closed the Public Hearing.

Ms. Mayer asked what buildings will remain on the property; the drawings are not big enough. She asked about the retaining wall, if it will be rebuilt, if it sits in the alleyway, if it is entirely on their property, and if it will be screened or fenced. Mr. Mendoza said he thought a right-of-way would be constructed. Mr. Raffin asked if there would be a development plan for fencing and lighting. Mr. Weiser

said this was zoned commercial and still is. They had submitted a photometric lighting plan to the Town. Addressing the noise issue, he explained that this is a scaled down version of the ones in Schererville and Merrillville. There will be no vacuum service so the noise level usually associated with that will not be here. Mr. Buska asked if a monument sign was out of the question. Katherine Rayner of Crew Car Wash said they were not looking to replace the sign. They want to change the face to "Crew Car Wash". Mr. Mendoza said this is legal, non-conforming. Mr. Raffin asked what would go in the place of the demolished building other than the dumpster. The answer was that it will be green space. Mr. Raffin said he wants to see a solution for car lights in residential windows. Mr. Mendoza listed the variances requested for Ms. Mayer. Mr. Reed said one parking spot in the glass garage, the old detailing shop, would be used for employee parking. Ms. Mayer asked for more clarification on the sign. Mr. Raffin said he likes landscaping; the parkway should get plantings and trees and shrubs for the neighborhood. Mr. Raffin moved to approve PC23-010 with landscaping, signage and dumpster knowing it will all come in front of the Plan Commission, and they will be prepared for this. It was noted that the former business' hours of operation were 8:00am to 5:00pm, except Sunday. Katherine Rayner said they have 45 car washes in the United States. All are open 7:00am to 9:00pm as this one will be. Mr. Reed said he is 99% sure that the hours of operation issue is a Plan Commission function. Mr. Tracy of Crew Car Wash said any lighting facing neighbors is solvable, buffering makes sense, the landscaping and dumpster; these are all doable. Ms. Mayer asked if the hours of operation can be considered a separate issue, not related to the 3 variances requested. Mr. Raffin said that, out of respect, they may want to dial back the hours on Sunday.

**Motion:** Ms. Mayer moved to continue the discussion for BZA Docket No. 23-010 at the December, 12, 2023, BZA meeting.

**Second:** Mr. Raffin

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

**c. BZA23-011 Attorney Scott Yahne for Floyds Concern, LLC is seeking multiple Developmental Standards Variances for building set back, parking requirements, and private lighting design at Three Floyds Taproom at 9750 Indiana Parkway.**

Mr. Mendoza explained that there are three variances requested. The first variance would increase the 20' maximum building setback from the right-of way by reducing the taproom entrance from the right-of-way property line from approximately 155' to 115'. The second variance is for the elimination of screened parking areas, parking islands, pedestrian walkways, and landscaping within the first lot layer that would be allocated to the unique and proposed biergarten space. The third variance is for the use of existing modern right-angle design off-road lighting head fixtures which would match the existing modern lighting fixtures, maintaining cohesiveness for the previously established lighting plan.

Scott Yahne of 9301 Calumet Avenue, Suite 2F, representing Floyd's Concern said he had nothing to clarify after Mr. Mendoza's explanation of the variances. He said they wanted to take a big step and they've reimaged the Taproom and Beer Garden. They are doing something meaningful for the Town. They will renovate and expand the existing processing area, upgrade the kitchen and bar, and add family dining. They are expanding into green space, adding a game room, a vestibule, and outdoor seating. There will be a 3,200 square foot patio that will tie the Taproom, game room, and outdoor seating together with an event space. He said in attendance are Nick Floyd, Bernie Pravdic, General Counsel, Gabe McKee from V Three Studios, and Brian, the Project Manager.

Mr. Buksa opened the Public Hearing.

Jeff Nixon of 8004 Hohman Avenue said much of this is lost on him since he is not a beer drinker, however, he is behind the design and what they are doing 100%.

Mr. Buksa closed the Public Hearing.

Mr. Raffin welcomed back the Brew Pub team. He asked for more information about the new family dining. Gabe McKee of V Three Studios, 2717 Sutton Boulevard, St. Louis, MO, explained there will be berms which will screen the family spaces from the pub spaces. The patios will be covered. Mr. Raffin asked about the plans for the distillery. Mr. McKee said that getting the Brew Pub back open is the focus. Ms. Mayer asked about the variances requested. Mr. Mendoza said for every ten parking spaces there should be a landscape island. The variance they are requesting instead is to use the first lot layer for buffering. There will be no new landscape islands and no screening. They are also requesting a lighting variance since they have a lighting design in place and they want to continue that throughout. There are islands in the first lot layer and parking is in place. They are reworking the existing parking plan to put the ADA parking spaces closer to the building. Although they are losing 23 parking spaces, however, there are 103 remaining; the requirement is 96. The property across the street has parking with screening. They are reconfiguring the existing lighting; they are not relocating pole lights.

**Motion:** Mr. Raffin moved to approve BZA Docket No. 23-011 to grant all variances as requested.

**Second:** Ms. Mayer

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

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

- a. **BZA23-007 Paul Taylor seeking a variance to Development Standards Variances to allow signage that conforms to the Building Facade Standards applicable to Drive Aisle Facade tenant spaces on the east side of the building located at 11 Ridge Road.**

**Motion:** Mr. Raffin moved to approve the Findings of Fact for BZA Docket No. 23-007.

**Second:** Mrs. Mayer

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

- b. **BZA 23-008 Paul Taylor seeking a variance to Development Standards Variances to allow signage that conforms to the Building Facade Standards applicable to Drive Aisle Facade tenant spaces on the west side of the building located at 15-21 Ridge Road.**

**Motion:** Mr. Raffin moved to approve the Findings of Fact for BZA Docket No. 23-008.

**Second:** Mrs. Mayer

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

- c. **BZA23-009 Family Dental Care is seeking a Developmental Standards Variance to allow two (2) wall signs that exceed the overall height at 8252 Hohman Avenue.**

**Motion:** Mr. Raffin moved to approve the Findings of Fact for BZA Docket No. 23-009.

**Second:** Ms. Mayer

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

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

**Next Meeting:** Mr. Buksa announced the next regular business meeting will be held on December 12, 2023, beginning at 6:45 pm.

**Adjournment:**

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

**Second:** Ms. Mayer

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

Meeting adjourned at 8:55 pm

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Chairman Daniel Buksa  
Board of Zoning Appeals

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Date of Approval

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Executive Secretary Sergio Mendoza  
Board of Zoning Appeals

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Date of Approval