

**MUNSTER BOARD OF ZONING APPEALS**  
**MINUTES OF REGULAR BUSINESS MEETING**  
Meeting Date: June 11, 2024

The announced meeting location was Munster Town Hall and could be accessed remotely via Zoom Webinar, a video conference application.

**Call to Order:** Mr. Raffin, Chairman, called the meeting to order at 6:46 pm

**Pledge of Allegiance**

**Members in Attendance:**

Brad Hemingway  
Sharon Mayer  
Roland Raffin  
Jonathan Petersen, Town Council Liaison

**Members Absent:**

Jennifer Johns  
Ed Pilawski

**Staff Present:**

Sergio Mendoza, Planning Director  
David Wickland, Attorney  
Jennifer Barclay, HWC Consultant

Chairman Raffin said we do have a quorum.

**Approval of Minutes:**

**a. May 14, 2024, Draft Minutes**

**Motion:** Mr. Hemingway moved to accept the May 14, 2024, minutes presented.

**Second:** Ms. Mayer

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

**Preliminary Hearings:**

- a. BZA 24-003 Joy Brown representing Howard Weiss of The Fairmont Business Building is requesting two (2) variances, one from Section 26-6.701.B.5.t. and another from Section 26-6.122.D.2.b. to install a cabinet sign and expand on an existing cabinet sign on the monument sign located at 9245 Calumet Avenue.**

Mr. Raffin introduced agenda item BZA24-003, Joy Brown, representing Howard Weiss of the Fairmont Business Building who is requested variances from Section 26-6.701 B.5.t. and Section 26-6.122.D.2.b to expand an existing cabinet sign on the monument sign located at 9245 Calumet Avenue. He then asked Mr. Mendoza to offer a briefing on the variance request.

Mr. Mendoza stated he wanted to start by identifying that the staff report was developed by Jennifer Barclay. Ms. Barclay is an “on-call” planner with HWC. The Town has contracted with HWC for the next few months to perform some routine tasks typically performed by the Planning Director because the Town Council has assigned the Planning Director additional responsibilities with the Zoning Code. Mr. Mendoza continued and said that Ms. Barclay is online and will offer additional information or clarification after he provides a summary of the application and staff report.

Mr. Mendoza stated that what the Board has before them is a request for multiple variances for the Fairmont sign. He displayed the location and an image of the Fairmount sign and continued by saying the monument sign is essentially a marble or granite surround a cabinet sign for the business building tenants. The property owner is looking to expand on the existing cabinet sign, which would project approximately 4 inches from the profile of the existing stone monument. He continued by stating that the property owner has expressed concerns with the sign's lighting and visibility and would like to update the sign cabinet by extending the cabinet to house routed metal face tenant signs that can be changed out easily due to the proposed profile projection as well as install an internally illuminated pan face sign with push through acrylic that would read "THE FAIRMONT." Mr. Mendoza stated that staff has reviewed the proposed changes to the monument and sign and has determined that the sections they are seeking variances from is an actual policy, which reads that the legal non-conforming sign cannot be expanded upon, or it loses its legal non-conforming status and must therefore comply with the current standards. The applicant's interest to expand on the sign cabinet would trigger that all non-compliant bulk standards either be brought into compliance or seek a variance. For this matter, staff is recommending that the BZA consider multiple bulk standards variances as well as review of expansion of the sign cabinet. Finally, staff also recommends that this application be scheduled for a public hearing next month and be allowed to work with the applicant to apply the appropriate codes for a variance. Mr. Mendoza concluded by asking Ms. Barclay if she had anything else to add to this matter. Ms. Barclay responded with for this case, we should keep in mind that the current sign is legal, it's just non-conforming. The applicant would go back and look at what parts, the size, the setback, the height, whatever does not comply, and just request those variances so they would have a conforming sign.

Mr. Raffin thanked Ms. Barclay and Mr. Mendoza and asked if the Board had any questions for staff. Ms. Mayer commented that for her understanding, the issue right now is that the codes that are listed are not the correct for what they're seeking a variance from. Mr. Mendoza said he would agree and what makes it somewhat of a challenge is that some of our codes are also embedded in policy which allows legal non-conforming signs to be expanded upon, if they conform to the current standards. In this case, if they were to expand on the sign cabinet they would have to conform to the current standards. The current sign standards would not permit this size of sign or the use of a cabinet sign and so what staff is asking is to work with the applicant to identify existing bulk standards for the developmental standards variance and identify those codes for the public hearing which would allow the existing monument sign and including the sign cabinet, which would be presented at next month's public hearing.

Mr. Raffin asked if anyone was present to speak on behalf of a petitioner and if they could go to the podium and state their name and address.

Ms. Joy Brown, of 14129 Chicory Trail in Homer Glen, introduced herself. Mr. Raffin asked her if she had any questions for them about the procedure or if she wanted to explain what they are trying to do. Ms. Brown said she is not super familiar with the process and Mr. Mendoza had helped her navigate that a little bit. She said, in short, what they're trying to do is to use the existing marble monument that they have. They are simply trying to modify it in such a way that it is more visible, especially from Calumet Avenue. People who are driving to the building are having a hard time finding the building because, as you can see from the original (image) of the existing sign, the words saying "Fairmont" are not very

visible up against that marble. She said that explains why they want the cabinet part installed at the top. She added that the way the sign has been constructed down below, when tenants move in and out it is unwieldy, if not impossible, to swap those tenant panels out. This is what she understands, she hasn't observed it being done. So, it's being proposed to be constructed in such a way that the tenant panels can be swapped out as tenants come and go in a way that is the least intrusive. As it was explained to her by the sign manufacturer, because of the way that the marble kind of steps in, it must come out in order to be able to slide those tenant panels in. It is simply a matter of visibility for their tenants that are complaining that people can't find the building. Aesthetically, it's going to be more appealing, and they can keep it more updated with the tenants.

Mr. Raffin asked if the sign cabinet has no lighting for the sign, just the lettering on the sign? Ms. Brown said there is no lighting on the sign, so that's why they want it lit from within. Mr. Mendoza said currently the sign is an opaque acrylic panel with vinyl lettering over it for each tenant and the inside of the cabinet is internally illuminated, but very dim. So, the sign cabinet is internally illuminated with light shining from behind the vinyl letters. What they're asking to do, to his understanding, is extend the sign cabinet about an inch outside on either side of the marble profile with their tenant's business name routed out of metal with light shining through. Mr. Raffin asked if this is sort of channel letters, he thought we got rid of that kind of poly, plastic material. Mr. Mendoza said it is not a channel letter, it is a metal pan face sign that is pressed up against a lit cabinet. Ms. Mayer said having more depth in the cabinet is going to allow them to have better lighting inside, and the panels would be easier to handle. Mr. Mendoza said he is not sure if the expansion of the cabinet would allow for more interior space to install lighting but he does understand that the expansion of the cabinet is to allow for the metal pan face signs to be easily changed out. Ms. Mayer confirmed, to be changed as in putting the signs in and taking the signs out. Mr. Mendoza said, yes, that is his understanding. The pan face tenant sign would be somehow secured or inserted into the sign cabinet system. Ms. Brown said it had been explained to her that there are clips on the outside, and the channels are on the outside, and so that there will be a slit from the outside.

Mr. Mendoza continued by directing discussion to the top portion of the monument sign, where it reads, "The Fairmont." He stated that those engraved words would be covered by a routed out pan face sign with push through acrylic that would be internally illuminated by a mounting system that would extend to the first step of the marble portion of the monument sign. Mr. Hemingway asked if the area that reads Indiana Tech, below "The Fairmont" words on the right side, is being extended out. Mr. Mendoza said it is, it's part of the sign cabinet that is proposed to be extended beyond the profile of the monument sign. He then referenced an image on the lower right side of the staff report. Mr. Raffin asked Mr. Mendoza if this type of lettering and illumination meets our Town code. Mr. Mendoza said it does, the materials that are being proposed for use do meet the current code requirements.

Ms. Mayer made a motion to set this for a public hearing. Mr. Hemingway seconded. Mr. Raffin said they had a motion and a second and asked if there was any further discussion.

Mr. Raffin said he had something he would like to discuss. He asked Mr. Mendoza if he knew why there are construction trailers advertising services in the parking lot, near the monument sign, fronting Calumet Avenue. He would like to know if they're tenants of the professional office building. Mr.

Mendoza said he is not able to advise on tenant agreement, but he has noticed there is a large quantity of construction trailers out there, which he believes are contributing to sign clutter which could support the applicant's earlier comment regarding difficulty in monument sign visibility. Ms. Brown followed up and stated that the epoxy business is the owner of the building. Mr. Raffin asked if we allow that many trailers to be parked on a commercial property along Calumet Avenue. Mr. Mendoza said his office has already received complaints about this matter and Code Enforcement has already been in contact with the business owner regarding this violation. He continued by stating that that in previous years these trailers were relocated at the side and rear of the building, and he once again questioned if the trailers aren't detracting from what they are trying to achieve, visibility of the monument sign. Ms. Brown said yes, she knows that there used to be several construction trailers up front. Recently, when she was visiting the location, they had moved the construction trailers to the side of the building, but now she said she has seen another one or two up at the front and will talk to the business owner and see if they can relocate the trailers. She asked if they parked the construction trailers on the north side of the building, would they be complying. Mr. Mendoza said yes, that's where they had previously been located, based on historical aerial photography it appeared that the trailers were screened behind evergreens and shrubbery to not cause any line of site obstruction, or visual sign clutter, or generate any complaints from the public. Ms. Brown said that she would pass that message along to the building owner and make sure that the business that has those trailers complies with that code and gets them off Calumet. Ms. Mayer asked what business has those trailers. Ms. Brown said that it is another business that's owned by the building owner; It's a home improvement company that's located in Gary, Indiana. They do siding, SunSetters, windows and doors. They typically have trailers that they use to transport materials back and forth. She said her understanding is that their Gary location doesn't have a lot of storage for external trailers, so the building owner has been allowing them to put the trailers there. Ms. Brown said she thinks it's important to be in compliance and not to be irritating the neighbors. Ms. Mayer said, especially since it's not hosted on that site, it's inappropriate. Ms. Brown said, okay, she could pass that message along to them.

Mr. Raffin said he would encourage any Town Council members in attendance to agree that they wouldn't want RV storage or any type of construction trailer storage on Calumet Avenue. He said he would discourage any commercial construction trailer park in a professional business building parking lot along Calumet Avenue. Ms. Brown stated she would ask the businesses to remove the trailers altogether. Mr. Raffin said this is not a construction office. It is a medical office; it is a professional office. It is not a parking lot for construction trailers. Ms. Brown said yes, this is understood. Mr. Petersen asked where the trailer is located. Mr. Raffin said there are eight of them out in front of the parking lot. Mr. Hemingway added that they are in the parking lot by the monument sign. Ms. Brown said they have mostly been keeping them on the north side of the building where they've got like a drive up to the dumpster, where it's a little more out of the way. Mr. Petersen added, the ability to get variances and things like that could be subject to being a good corporate citizen and this is not indicative of that. There's a certain standard that you have to show to get variances; this may not be meeting that standard. Ms. Brown said she completely understands; she will ask them to take care of that within the week. Mr. Raffin stated at some point Code Enforcement should begin issuing citations if this matter is not corrected within the week.

Ms. Mayer asked Ms. Brown who she works for if she doesn't work for Weiss or the sign company. Ms. Brown said she doesn't work for anyone; Mr. Weiss is a friend; she has been boots on the ground for him while he is in Florida. He has been doing some renovation work at the Fairmont and is doing some cosmetic upgrades to attract more tenants. He is doing upgrades to the inside and upgrades to the building and the signage on the outside as part of his upgrades. He has asked her to oversee that for him until he's back in town. She said her hope is that he will be able to attend the July meeting. Mr. Raffin thanked her for sharing the Board's concerns and relaying them to the property owner. Ms. Brown said she will pass it along for sure.

Mr. Hemingway said he had another question. In the staff's findings, there was mention of additional address numbers and the removal of overgrown landscaping. Mr. Mendoza said that is correct, staff plans to discuss those recommendations with the applicant and encourage them, as part of any motion recommendation, to include appropriate signage to help the customers locate the business itself. This site currently does not have address numbers visible from the street, especially for emergency purposes, on the structure. We also have findings to show that there's some overgrowth in the landscaping that may also restrict the visibility of that sign as well.

**Motion:** Ms. Mayer moved to schedule BZA Docket No.24-003 for a Public Hearing on July 9, 2024.

**Second:** Mr. Hemingway

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

Chairman Raffin advised Ms. Brown to work with staff to make sure all Public Notice requirements are met for the public hearing next month.

#### **Public Hearings:**

- a. **BZA 24-002 DEVELOPMENTAL STANDARDS VARIANCE: Erin Adduci representing Dr. Gustavo Galante of JEM MedSpa is requesting three (3) variances from Table 26-6.701.B WINDOW SIGNS to allow window and door signs installed without a permit to remain on display at 9610 N. Centennial Drive, Suite F.**

Mr. Raffin introduced agenda item BZA24-002, Dr Galante, owner of JEM MedSpa who is requesting various window and door signs from Table 26-6.701.B. at 9610 N. Centennial Drive. He asked Mr. Mendoza to offer a briefing on the variance request.

Mr. Mendoza stated that Dr. Galante had indicated at the preliminary hearing that they have multiple offices, one in Northwest Indiana and in the Illinois suburbs of Chicago. He reminded the Board by stating that last month Dr. Galante had an employee who placed similar window signs at their Illinois locations and thought it would be okay to do the same at their Indiana location. He continued by stating that Dr. Galante is a resident of Munster, and identified the site is operating under a PUD, which references our Town sign codes for sign regulations not outlined in the PUD. It was also determined that the window signs were installed without a permit and from review of the sign code there is an excess of window signs that do not comply with codes, and they must be removed for compliance or request a

variance. Mr. Mendoza continued by stating Mr. Galante elected to file for a variance and staff has identified the following variances: existing window signs on the left and right windows of the east front door that is located on the south side of the building; signage on a second door that is located on the south side of the building; window signs/logos and an opaque door sign on a third non accessible door of his business windows on the east side of the building along North Centennial Village. He concluded by stating that in reference to the variance being sought, the applicant has identified two operational doors for his business. Both doors are on the south side of the building and access the lobby/reception area, which is unique for a small business. He also stated that the other variance Dr. Galante is seeking are for signs/logos on the wall of windows along the east side of the building, which is also unique in the sense that it is a corner business taking up multiple tenant space.

Mr. Raffin asked the Board if they had any questions for staff. With no questions presented by the board at this time, he then asked if the applicant was present to speak on behalf of the variance and if they could please go to the podium and state their name and address for the record.

Dr. Gustavo Galante stepped forward to introduce himself. He said he is a Munster resident who lives at 1510 Somerset Drive. He continued by stating that he was going to elaborate what Mr. Mendoza had nicely elucidated. He agreed and said they were here to request a variance on windows signage, and as he previously mentioned, this was a “mea culpa” when these signs were inadvertently placed without a permit and understands that’s not the way it is supposed to be done. He said, as Mr. Mendoza had mentioned, one of his nurse partners did this in Illinois, and it was not a problem with two other facilities that they own. Dr. Galante acknowledged that this is a different state, it's a different town, it's a different municipality, with different rules and different regulations and different codes. He said that is now a problem, and they need to move forward. He confirmed that the signs are currently up as Mr. Mendoza showed slides of the signs. Dr. Galante said he would now like to discuss the reasons why they would like the signs to stay up. Number one is for information. They are a Med Spa, meaning medical procedures. They are not a day spa, they don't do hair, they don't do nails, they don't do massages. As medical director, he must make sure things are safe and compliant he said. They need information to let the patients, the clients, know exactly what they do with foot traffic, automobile traffic and so forth. The second is for direction. He said, as Sergio mentioned, they have several entrances. Unfortunately, because they encompass such a large corner of the building, he feels they need to address the amount of space they utilize with signage as he referenced the signage of the east side of the building. He said, that wasn't their intent but that's the way it happened. Also, he continued by stating that now they have not one, not two, but three entrances to the business, which makes it more complicated. He referenced the third door along the east side of the building is an inaccessible door that goes into a client room, it is locked and should be screened for privacy and help direct clients. He explained that additional logo signs are needed to give directions to go around the building and from an aesthetic standpoint he feels it is consistent with the appearance of Munster. They are in the beauty business, that's what they do. They want to make people look good and feel good. They want the same for the Town, they want the Town to feel good about itself, and that’s how they are advertising their businesses. These are the reasons they need these window and door signs, because of where they are on that corner. He reminded the Board that he has appeared before them for the JEM MedSpa wall signs over their main entrances and how they requested variances on that as well because they are on a corner. Dr. Galante continued as said there is curve in that corner building that wouldn't allow one big, long, sign; so because of their

location they had to request two signs through a variance. He said this is what they'd like to do for ease of instruction and ease of direction on their window and door signs. As a business owner, they want more business. As a Board you want more business for the town. The town gets tax revenues, more revenue to beautify the town. Dr. Galante concluded by stating that the whole point of this is to give people in Munster, or people that come to visit Munster, a positive experience. He said they think this does make that experience true.

Mr. Hemingway asked if their other locations are in Orland Park and Elmhurst. Dr. Galante said yes, however he has no part of those businesses. He said he is the Medical Director and part owner for the Munster location only and he has two nurse partners who are the owners of Orland Park and Elmhurst locations. Mr. Hemingway concluded by saying he had seen the Orland Park location; it is down the street from his office.

Mr. Raffin said he has seen their Munster facility as he spends time driving around, he goes to the Centennial Village development all the time since he lives nearby. He thinks the Commission did a good job working with the doctor on his additional wall sign but he said they now have all these variance in front of them and they have these ordinances that are on the books and it becomes difficult to differentiate one business from another on which should be granted variances. He continued by stating that the Board just completed a BZA and PC professional development workshop that covered ethics and standards. From his observation Rosebud restaurant that has their sign on the door. and Rush Medical Center, it just has the logo and the hours on there. Every business just has the logo and the hours on their door so there's a consistent look throughout the whole development. As a resident, he says he likes to see consistency; but when you start putting a lot of signs out, how does that differentiate from the smoke shop on Calumet Avenue that wants to list vapes, pipes, products, or whatever on the windows. He understands that they can't regulate content and that he doesn't have a problem with the JEM MedSpa logos on the individual doors and the hours. But his concern is with all the writings on the windows, he thinks there is an excessive amount of window signs that clutters the development's look and it might set a standard for other businesses going into new buildings within that development. His final statement was that he would like to see consistency within the rest of the development.

Ms. Mayer asked Mr. Mendoza if there was a typo in the staff report because it read that on the front façade, there are 2 doors. The door and associated windows to the left in the image below, (page 7) is compliant with code. The door and associated windows on the left side of the image below, (page 7) is not compliant with code. Mr. Mendoza said he would interpret the second "left" in the staff report as a typo unless Ms. Barclay has something different to say. His understanding is that the door and window to the left (west) are compliant with the window and door sign regulations and the door and window signs to the right (east) are not compliant with code. He continued by describing the door and window to the west half of the building has the business logo on the door and the hours of operation on the window. He confirmed that this is acceptable and permitted per the code. What is not permitted is the text on the door and the two windows adjacent to the eastern have of the building façade. Ms. Mayer confirmed for clarification then that the assembly on the left side is compliant because it is only the door and one sidelight. Mr. Mendoza said that is correct. Ms. Mayer then asked if then the assembly on the right has too much lettering on the sidelight windows and on the second door. Mr. Mendoza again

agreed. Ms. Mayer then completed her understanding by confirming that per the sign code they are only allowed one window sign and one door sign. Ms. Barclay added that the window and door sign under the “JEM wall sign” is compliant because they have one window sign that does not exceed 4 square feet which is used to identify the hours of operation. Ms. Barclay continued by identifying the associated windows and door under the “MedSpa wall sign” on the front façade are not compliant because per code they only get one door sign and one window sign. Mr. Mendoza agreed.

Dr. Gallante said he understands the discussion and doesn’t disagree. However, he said the steakhouse is a steakhouse, there's no question; they're not going to put a menu on their windows; you know it's a restaurant. The dermatologists, we understand that these are physicians who address skin problems. Rush Physical Therapy, we know what they do. He reminded the board that earlier he noted the word “spa” can be a little bit confusing. That is why they are trying to be instructional and educational with foot traffic because we get it questions on our services. Dr. Galante once again said he does understand what the board is saying but he just wants to differentiate his business from a “day spa,” and that's what is most important. He added that they also want to make it easy, informational, and welcoming for clients, and so foot traffic doesn’t attempt to use a locked door; that is why both doors are functional and need to have signage on and near their doors and windows. They hope they are not setting a precedent because every case is individualized. That's why the Board is here, to make that decision on individual cases. In this case, it makes a difference where you are, what the building looks like, how it's positioned, the parking lot. There are a lot of factors that go in making that decision. He does believe that these are all individual cases.

Ms. Mayer said the concern is that this is an instance where they're asking for forgiveness rather than permission. Dr. Galante said that is why he admitted to “mea culpa,” there is no question about that. Ms. Mayer said had they come to the Board prior to installing the window signs they may have had comments to help him achieve a variance that both the Board and him agreed up, but now the Board will likely have to place limitations that may require him to remove some or all the signage. Ms. Mayer continued and said, perhaps after discussion a condition may have included that only one extra sidelight instead of what they’ve got now would have been approved because that is a lot of information on the sidelight windows.

Ms. Barclay said the big thing here is to stick with the sign code standards, the size and the location of signs, not the content. If we stick with that, then what Dr. Galante is really asking for would be a variance for a second window sign at that front facade, and then an opaque door sign on the side facade. Mr. Raffin said he doesn’t know if someone walking by would walk in by just reading the signs, especially with social media and all the other avenues they have now for getting business information out. He said he drove by this business the day of this meeting and he couldn’t see the signs in his car from the curb. There is some foot traffic there, but he doesn’t know if that makes or breaks the amount of people coming into their business just based on what stuff they’re putting on the window. He said the Board doesn’t regulate content but there could there be a beauty salon coming next year that wants to list all their services and then we're going to be in the same situation with another business that could come here. Mr. Raffin said he doesn’t know if that was the intent of the sign ordinance and of what we are doing in Centennial Village. Ms. Mayer said the Centennial Village sign code defers to development back to the current Town code, so they are permitted without discussing or looking at content. Their



request is to exceed the permitted window signs with regards to our current sign code on windows. She said, as Mr. Raffin noted earlier, other businesses have used this space to identify hours of operation. That is content and we are not regulating that, but they do regulate the size and the amount of window signage that is permitted; that falls within the Municipal Code. That is what they are asking for a variance from, not the content but the square footage.

Mr. Raffin opened the public hearing and called for anyone from the public wanting to speak on BZA 24-002 to please appear before the podium and state their name and address.

David Nellans of 1535 Ridge Road said he wanted to make a comment that he has been to Rosebud and has walked past these signs. He thinks they're done very classy. They're not done "cartoonish" or "wabberjabber." They are not as big as some of the other businesses in Town that have used vinyl signs. He said he just wanted to make a comment that he thought they were done very nice and tastefully. Mr. Raffin thanked him.

Karen Ness of 8309 Oakwood, Munster, introduced herself. She said she walked by yesterday and was drawn in because of the signs, and she also saw the public notice sign on the lawn that read there was a meeting tonight for a variance. She went inside to ask what that was about. Someone in the waiting room told her what it was about. She said she knew Dr. Galante and asked him if it would be okay if she came today to support. She said she works as a visual artist and the thing that she was frustrated about is these questions about the square footage of these windows. There are so many more windows on this business than any other business in this complex. In some cases, twice as much, in some cases three times as much, and in some cases four times as much. She said it seems to her that to apply the same measure to every area doesn't make sense when there is so much more square footage of glass. Mr. Raffin thanked her.

Mr. Raffin asked if there was anyone else who wanted to speak regarding BZA 24-002. After seeing or hearing no other interests from the public Mr. Raffin closed the public hearing and brought it back to the board for discussion, questions, or comments.

Ms. Mayer said she was having trouble getting past the quantity of words on the two side lights. Mr. Hemingway made a motion to accept the variances on the front façade and the side façade as presented under Table 26-6.701.B, WINDOW SIGNS. Mr. Raffin asked if there was a second. After some time passed Mr. Raffin noted the motion died for a lack of a second and asked if someone would consider proposing another motion.

Mr. Hemingway withdrew his first motion and made a new motion to approve a variance from Table 26-6.701.B WINDOW SIGNS Additional Standards b. for the window signs and opaque door sign on the side façade. Mr. Raffin clarified that this is for the windows and door that is not used along N. Centennial Drive. Ms. Mayer seconded the motion. Mr. Raffin asked Mr. Mendoza for a roll call. There were 3 yes votes. Mr. Raffin confirmed the motion passed.

Mr. Raffin said they are now looking for motion to approve, deny or defer the door sign and two window signs under the MedSpa sign. Ms. Mayer asked if it was possible for Dr. Galante to make a revision to

that and resubmit it for consideration. Dr. Galante said anything is possible, he just wants to make sure that whatever they do has some traction and it's worth doing. He might if they felt that it could make a difference by modifying it and if they could tell him exactly how; he knows it is against code. Mr. Raffin said it is the amount of signage that is against the code. Dr. Galante asked the Board's recommendation for the door on the right (east) and both the windows on either side of that. Mr. Raffin said the logo on the door is acceptable as it is a functioning door. Mr. Raffin said his concern is the excess front façade window signage on the left and the right windows underneath the MedSpa (sign) that falls outside the standard of the code. Dr. Galante said before he requested a variance, he was trying to figure out how to limit that so they will be okay.

Mr. Mendoza said the door sign and the window sign on the left (west) under the "JEM" wall sign are compliant, which includes a 4 square foot maximum limit per code. He suggested that what could be afforded to Dr. Galante is a second door sign and window sign that complies with the Town's sign codes. Essentially, he said, it would allow for one additional door sign and one additional window sign not to exceed 4 square feet on the front façade. Mr. Raffin said if it matched the other entrance, he would be fine with that because it would be consistent for both doors and both side lights as well as reduce the quantity of signage while in compliance with the square footage limits of a window sign. In this case, he would be getting two window signs at 4 square feet each, one permitted by code and a second window sign that meets code standards.

Dr. Galante asked for confirmation that one window sign was okay. Mr. Raffin said they are discussing a variance for a second window sign and door sign on the front façade. He clarified that the door and the window on the left (west) under the JEM wall sign is compliant and does not need a variance. The signs under the MedSpa wall sign on the right (east) under the MedSpa wall sign does not meet code but would entertain motion if the east window sign and door sign matched the west window sign and door sign. Dr. Galante again asked if they had to reduce the square footage on both windows. Ms. Mayer said that one of the two side lights of the right door should be a total of 4-square feet per code. If they want those to be larger than 4-square feet, they will need another variance. Mr. Raffin said they already have the hours next to the other JEM sign. It is probably a 2-foot by 2-foot panel with the hours. He asked Mr. Mendoza if he was recommending a second 2-foot by 2-foot panel that would match when you walk up the building. Mr. Mendoza said the way the code reads is one window sign not to exceed 4 square feet per window. Dr. Galante responded with, but they do have a lot of windows and doors. Ms. Mayer said they would have to either remove both of those window signs or one of those two side lights will need to be reduced to meet the code. Mr. Mendoza said if the Board is considering conditions from Table 26-6.701.B WINDOW SIGNS Additional Standards c. it should be to allow one additional door sign and one additional window sign not to exceed four square feet. Ms. Mayer asked if any approval granted by the Board would be up to Mr. Mendoza to ensure what is approved is installed. Mr. Mendoza said yes, and that Dr. Galante would submit a sign permit that complies with the Board of Zoning Appeals motion including any conditions. When a window sign permit is received and shows compliance with the Board's motion then the Community Development Department would release the sign permit.

Dr. Galante asked who is in charge of telling them the exact square footage before they go changing something. Ms. Mayer responded with that is something they are going to do right now, and that'll be part of part of the approval. Dr. Galante asked if someone would forward that information to them. Ms.

Mayer said that they'll make a motion and sign Findings of Fact. Dr. Galante asked if they will need to get another variance if they want more square feet. Mr. Mendoza said if the Board of Zoning Appeals makes a motion to grant a second window sign not to exceed 4-square feet and he feels that is insufficient, they would have to reapply for another variance asking the Board to consider a new variance. Dr. Galante asked if removing one window sign would be okay. Mr. Mendoza said there is a motion under discussion to consider one additional window sign and door sign and not an item for negation. Dr. Galante asked, is it four square feet they're considering, how much will they have to remove, and who's in charge of approving those measurements because they don't want to do something and find it to be wrong. Mr. Raffin said they should work with a window sign company; they will come up with a drawing and measure it out for his business based on the Board's approval. He continued and said that information would be given to staff for review and compliance. If what is submitted to staff complies with the Board's motion then they don't need to come back to the Board. Ms. Mayer said whatever the Board agrees to, they would have their sign company draw it up and submit it to Mr. Mendoza. Dr. Galante asked if they will get that in writing at some point because they must go back to the sign company with the details the Board of Zoning Appeals approves. Mr. Mendoza said that whatever motion is made this evening, there will be a Finding of Facts which will be presented next month for approval by the Board authorized. Dr. Galante continued and questioned how the 4-square feet are measured, Mr. Raffin explained that it would be measured around the perimeter of the sign regardless of if the sign shape was a rectangle or square. Ms. Mayer reminded Dr. Galante that at this point he is not allowed either sidelight sign under the "MedSpa" wall sign, he is only allowed what is under the word "JEM" wall sign. Ms. Mayer asked Dr. Galante if his questions are because he would like more than 4-square feet on either side or both sides below "MedSpa" wall sign. Dr. Galante said they want as much signage as we can get. Mr. Raffin said that for consistency, they have the JEM MedSpa logo and the hours on the other door and window, which is permitted by code. Mr. Raffin continued by saying he would support the same size of signage on the other door and window so that both front façade doors and windows match in signage square footage. He concluded by stating that one of the other sidelight windows would be blank just like the other front façade door sidelight windows. Dr. Galante again asked then, that 4 square feet on both windows would not be allowed unless they asked for a variance. Mr. Raffin agreed and again stated it would be one additional window sign on the front façade not to exceed 4-square feet. Dr. Galante asked if they could pick which sidelight window to install the window sign. Mr. Raffin said it didn't matter which sidelight window they chose for the one additional window sign. Dr. Galante again asked, we would be allowed one clean window and one 4 feet by 4 feet? Ms. Barclay clarified that the sign is not 4 feet by 4 feet, it is 4 square feet total on one window. Dr. Galante said he understand now and is good with that and they will do the best they can.

Ms. Ness, who spoke earlier at the public hearing, began to exclaim from the audience seat with questions about dimensions and the location of the window signs. Mr. Mendoza reminded the Board that the public hearing was closed and at this time the matter was brought back to board for a motion and if anyone is interested in the matter staff can accommodate a discussion with them after the meeting or during office hours; but the public hearing has been closed so they can move forward with the motion. Mr. Raffin announced that anyone interested in BZA24-002 may reach out to Mr. Mendoza after the meeting or contact him to coordinate a meeting. Mr. Raffin continued and requested a motion based on the discussion.

Ms. Mayer made a motion to grant one additional door sign and one additional sidelight window sign for the front south façade and that the two sidelight window signs of the east door be removed and only one sidelight window sign be permitted not to exceed 4-square feet. Mr. Hemingway seconded. Mr. Raffin asked Mr. Mendoza for roll call vote. With 3 yes votes, the motion passed. Mr. Raffin asked Dr. Galante to work with staff regarding the signage.

**Motion:** Mr. Hemingway moved to approve the requested variances from Table 26-6.701.B, WINDOW SIGNS, Dimensions. Motion died for lack of a second. No action taken, discussion among the BZA ensued and it was determined no action was required due to the following motions:

**Motion:** Mr. Hemingway moved to approve the variance from Table 26-6.701.B WINDOW SIGNS Additional Standards b. to allow an opaque door sign and window signs along the east façade of the business as presented.

**Second:** Ms. Mayer

**Vote:** Yes –3 No – 0 Abstain – 0.

**Motion:** Ms. Mayer moved to approve the variance from Table 26-6.701.B WINDOW SIGNS Additional Standards c. to allow (1) additional door sign and (1) additional window sign not to exceed 4 square feet on the south façade of the business as presented.

**Second:** Mr. Hemingway

**Vote:** Yes –3 No – 0 Abstain – 0.

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

- a. **BZA 24-001 DEVELOPMENTAL STANDARDS VARIANCE: Aaron Adelman with SMJ International, representing Tesla, received a variance from Section 26-6.701.B.1. to allow twelve (12) 1.5' X 2.5' double-sided internally illuminated Tesla Logo signs on each Tesla EV charging station located in the Target Parking lot at 8005 Calumet Avenue.**

**Motion:** Mr. Hemingway moved to accept the Findings of Fact for BZA Docket No.24-001.

**Second:** Ms. Mayer

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

#### **Continued Discussion Items/Other Business:**

- a. **Board of Zoning Appeals Training Materials**

Mr. Raffin said the next agenda item for discussion is BZA24-005 Board of Zoning Appeals Member training materials. Mr. Mendoza said this is just to memorialize the occurrence on June 1<sup>st</sup>, where the Board of Zoning Appeals, Plan Commission, Town Council members, and staff of the Town had Professional Development training for a Citizen's Planner review of guidelines and procedures and best practices and to let everyone know that that information leading up to the training on June 1<sup>st</sup> can be found in the BZA24-005 file if anyone would like to review that information. Mr. Raffin asked if there were any questions regarding that training. Ms. Mayer said she thought it was very well done. Mr. Raffin

thanked the Council for putting that together. He added that it was a nice event for members and staff and a good refresher course.

**Next Meeting:** Chairman Raffin announced the next regular business meeting will be held on July 9, 2024.

**Adjournment:**

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

**Second:** Mr. Hemingway

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

Meeting adjourned at 7:41 pm

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Chairman Roland Raffin  
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