



BOARD OF ZONING APPEALS STAFF REPORT

To: Members of the Board of Zoning Appeals

From: Jennifer Barclay, HWC Engineering

Meeting Date: July 09, 2024

Agenda Item: BZA 24-006

Hearing: Preliminary Hearing

Application Type: Developmental Standards Variances

Summary: Applicant is requesting multiple development standards variances from Table 26-6.405. A -7, to include: Building Setback of an existing building, Building Composition, Building Material, Frontage Buildout, Entrances, Blank Walls, and Façade Openings for a 11,476 addition to the existing 4,918 SF building.

Applicant: Region Contractors, LLC

Property Address: 620 Progress Ave.

Current Zoning: CD-4.B General Urban B Character District B

Adjacent Zoning:
North: CD-4.B - *General Urban B Character District B*
South: CD-4.B - *General Urban B Character District B*
East: CD-4.B - *General Urban B Character District B*
West: CD-4.B - *General Urban B Character District B*

Action Requested: Schedule Public Hearing

Actions Required:
Consider Motion to Schedule Public Hearing
Review of Zoning Code(s)
Review of Conditions of Approval

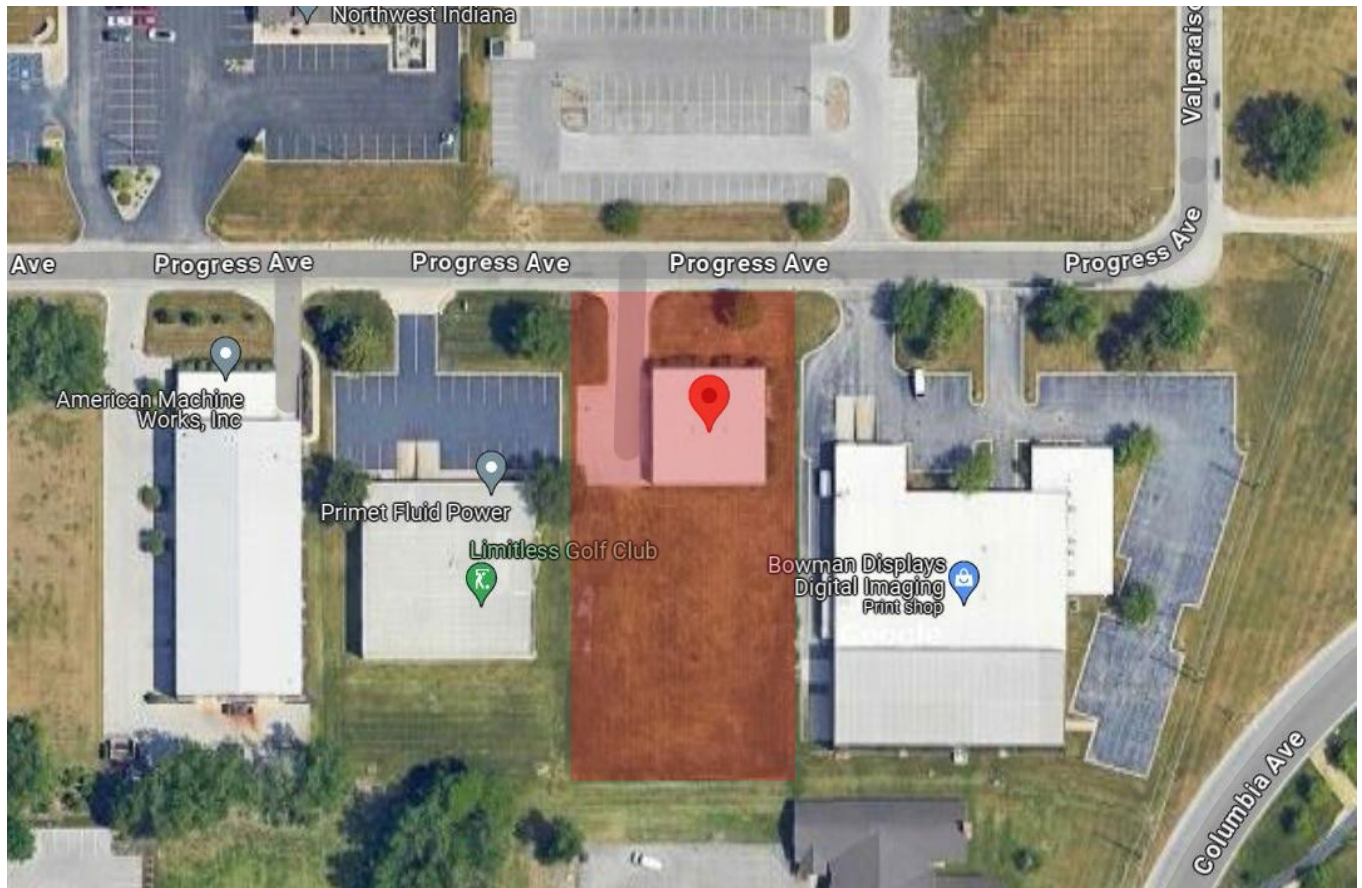
Staff Recommendation: Schedule Public Hearing

Attachments:

1. Exhibit A: Application (pg. 6)
2. Exhibit B: Development Variance Conditions of Approval (pg. 7)
3. Exhibit C: Conceptual Site Plan (pg. 8)
4. Exhibit D: Building Elevations (pg. 9)
5. Exhibit E: Developmental Variance Spreadsheet (pg. 10)

CURRENT CONDITIONS:

620 Progress Ave. is currently being used for offices and is surrounded by like uses including light industrial. The building was first constructed in 1998 and is 5,184-sf plus 4,020-sf of paving. The current owner purchased the building in 2019. The property's current value is \$527,400.



PROJECT BRIEFING:

The applicant wishes to expand the building footprint to the south to add four more office/warehouse spaces totaling just under 2,900-sf each and associated parking spaces. Since the building was first constructed in 1998 development standards have changed. The applicant is requesting Developmental Standard Variance as follows:

Table 26-6.405.A-7 District Standards

- Setbacks – Principal Building; Front Setback
Required: 20-ft max. Proposed (Existing): 35-ft
- Building Standards Building Standards - Building Composition
Required: Each Principal Building must have an identifiable Base, Middle, & Cap.
Proposed: Building Composition remain consistent with existing façade with base and cap.
- Building Standards Building Standards – Building Materials
Required: Prohibited: aluminum sidings, metal industrial type siding, vinyl siding, asphalt siding, and E.I.F.S (synthetic stucco), cedar shakes, concrete masonry units, or plywood siding.
Proposed: The addition match the current façade materials which includes metal siding on top third.
- Building Standards Building Standards – Façade, Entrances
Required: Main Entrance must be in Facade of Principal Frontages. If shopfront Frontage at corner, Main Entrance may be at Principal Frontage or at corner. Main Entrance must be Entrances clearly distinguishable from other parts of the Building through the use of architectural design, elements, and treatment, including its detail and relief and use of architectural elements such as lintels, pediments, pilasters, columns, and other elements appropriate to the architectural style and details of the Building.
Proposed: Front entrances will be along the side façade(west) for each tenant.
- Building Standards Building Standards – Façade, Façade Openings
Required: Windows and/or doors spaced ≤ 20 ft. apart. Square or vertical in proportion except for transoms and sidelights. Windows in the Facade and 1st and 2nd Lot Layers shall be single- or double-sashed, casement, awning, or fixed types. In Stories above first, Facade openings must be $\leq 50\%$ of total Facade area.
Proposed: Unknown

Before moving forward to public hearing staff needs to following items to determine compliance:

- Dimensioned plans detailing location of HVAC System.
- Dimensioned plans detailing parking spaces and dumpster location and dumpster screening.
- Detailed plans of landscaping.
- Detailed elevation of building showing wall sign locations on building.
- Details of wall signs.

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.

Section 26-6.804. I. Deviation from Standards & Requirements (pg 392) 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 (Conditions of Approval Questions Form) in Exhibits B.

STAFF FINDINGS AND RECOMMENDATION

Staff has concerns regarding the vagueness of the use request. Depending on the intensity of use parking may be an issue in the future. Staff wants to reiterate that only uses outline in this staff report and use chart in Table 26-6.405.A-7 District Standards are permitted. If offices type uses are desire, other than those listed, this applicant needs to detail the request. Please note, new tenants must receive approval of their business registration prior to occupying the space.

MOTION

The Board of Zoning Appeals may consider the following motions:

The applicant submit plans/details as stated above by July 23. After which the case appears for a public hearing.

EXHIBIT A

Petition BZA 24 - 006

Date: _____

Application Fee: \$ _____

Sign Fee: \$ _____

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

GO PROGRESS LLC (219) 369-4000
 Name of Owner Phone Number
711 MAIN ST., SCHERERVILLE, IN joshua@albertsjewelers.com
 Street address, City, ST, ZIP Code Email address

APPLICANT OR PETITIONER INFORMATION (if different than above):

REGION CONTRACTORS, LLC (219) 365-3508
 Name of Applicant/Petitioner Phone Number
912 W. AVENUE H, STE 2, GRIFFITH, IN carlos@regioncontractors.com
 Street address, City, ST, ZIP Code Email address

PROPERTY INFORMATION:

GO PROGRESS BUILDING
 Business or Development Name (if applicable)
LOT 6 - MIDWEST CENTRAL BUSINESS PARK - CD-4.B
 Address of Property or Legal Description Current Zoning
UNIT 2

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):

PROPOSED 12,000 SF. (APPROXIMATE) ADDITION WITH MULTIPLE TENANTS
TO AN EXISTING 5,200 SF OFFICE/WAREHOUSE BUILDING & SITE
IMPROVEMENTS

See attached Developmental Standards Variance spreadsheet and concept plan. -sm

DEVELOPMENTAL VARIANCES NOTED IN ATTACHED LIST &
DESCRIPTION - GO PROGRESS ZONING ANALYSIS (3 PAGES)

GEORGIN & ASSOCIATES ARCHITECTS, INC. (219) 365-9345
 Name of Registered Engineer, Architect or Land Surveyor Phone Number
912 W. AVENUE H, STE 2, GRIFFITH, IN nick@georginarchitects.com
 Street address, City, ST, ZIP Code Email address

EXHIBIT B**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 USE IS CONSISTENT WITH THE MUNSTER COMPREHENSIVE PLAN, AND THE VARIANCES BEING SOUGHT WILL NOT INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY, AS THEY ARE SIMILAR AND CONSISTENT TO THE ADJACENT USES, BUILDING TYPES, MATERIALS OF THE BUSINESS PARK.

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:

ADJACENT USE AND VALUE WILL NOT BE ADVERSELY AFFECTED. AS THE PROPERTY VALUES WILL BE INCREASED BY BUILDING EXPANSION & BUILDING TYPE, USE AND VARIANCES ARE CONSISTENT WITH THE ADJACENT USES, BUILDING TYPES, AND MATERIALS.

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

THE ORIGINAL BUILDING WAS DEVELOPED UNDER THE PREVIOUS ZONING ORDINANCE. THE CURRENT ZONING IS NOT CONSISTENT WITH MULTIPLE EXISTING BUILDINGS IN THE BUSINESS PARK, AND EFFORT IS BEING MADE TO EXPAND AND UPDATE TO CURRENT ZONING CRITERIA AS MUCH AS POSSIBLE. VARIANCES REQUESTED ARE CONSISTENT (FOR THE MOST PART) WITH THE ADJACENT BUILDINGS, MATERIALS AND IMPROVEMENTS. STRICT APPLICATION GOES ABOVE AND

Attach additional pages if necessary
BEYOND THE ADJACENT AND SURROUNDING BUILDINGS.

EXHIBIT C

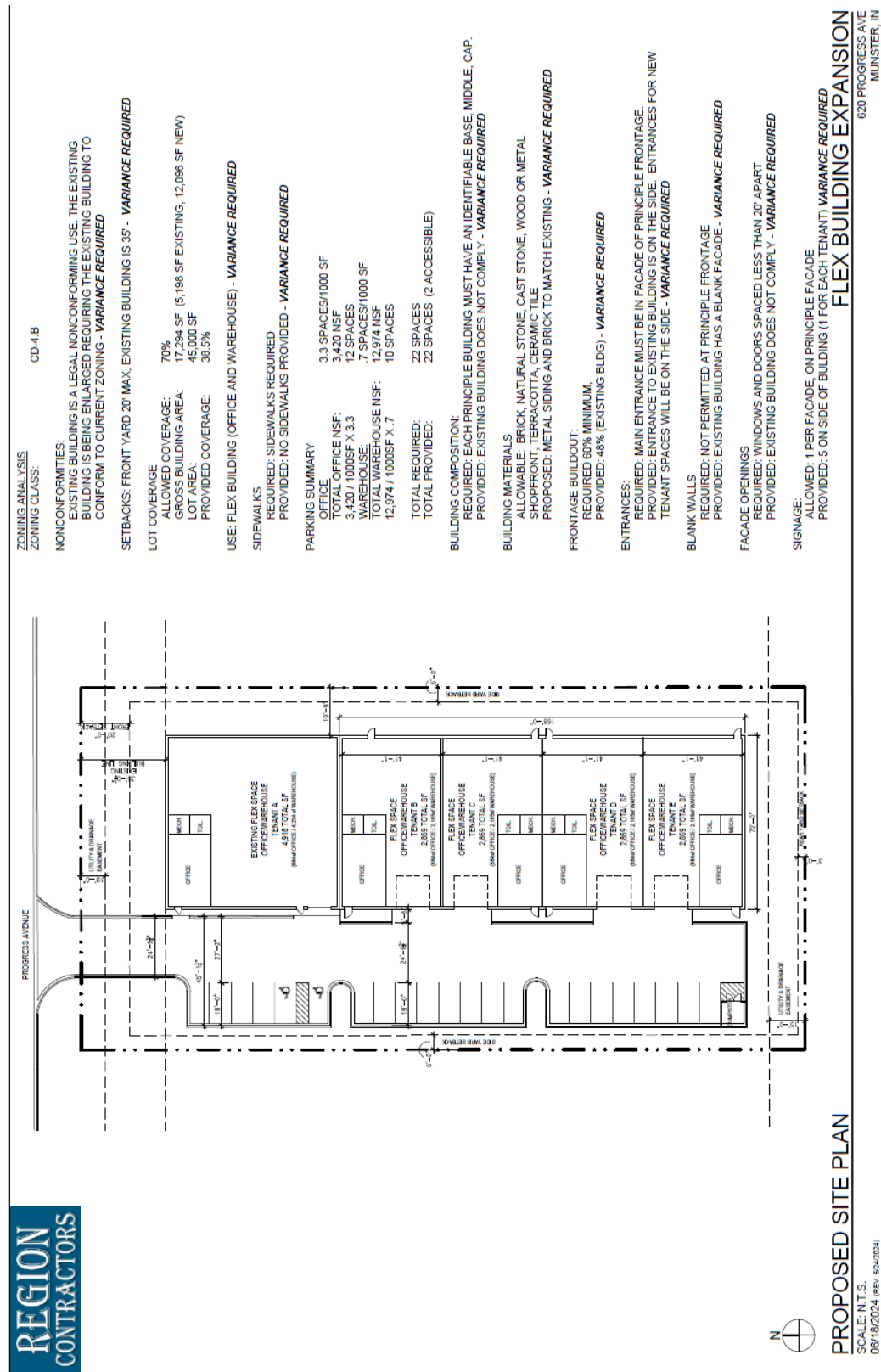
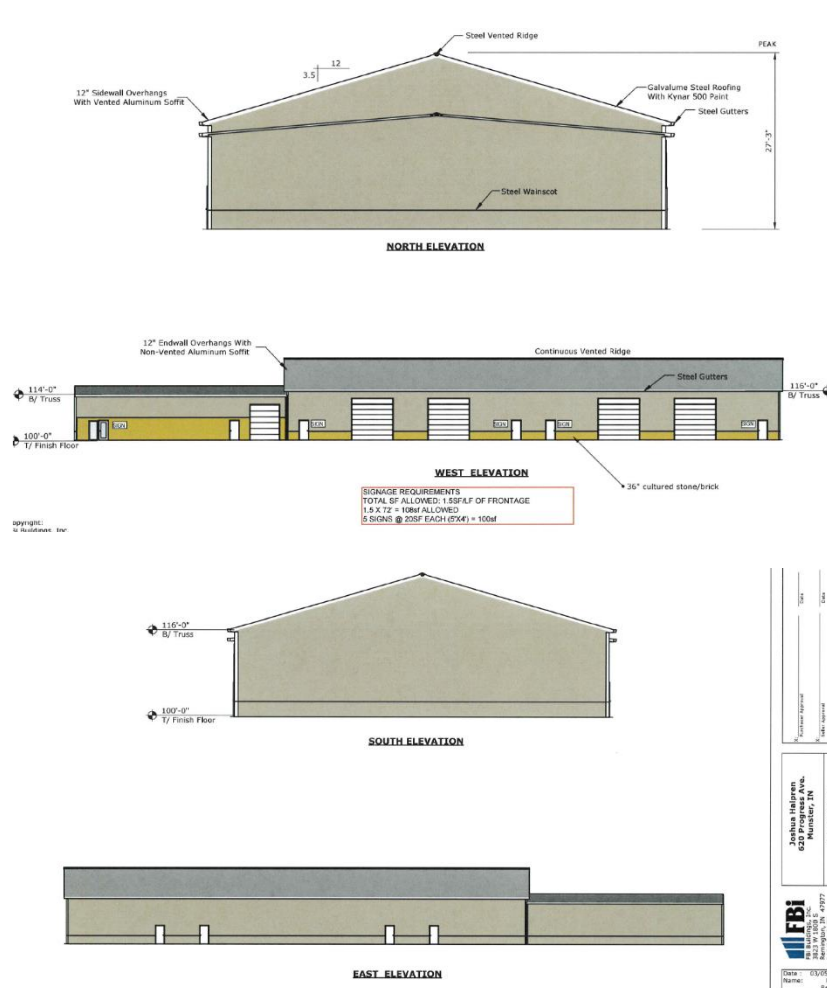
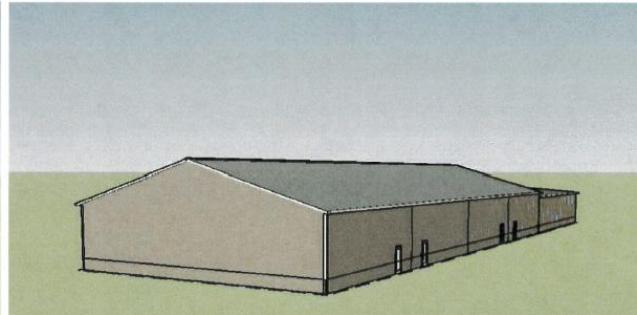
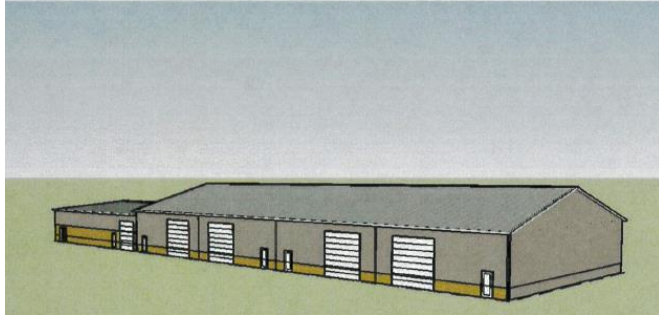
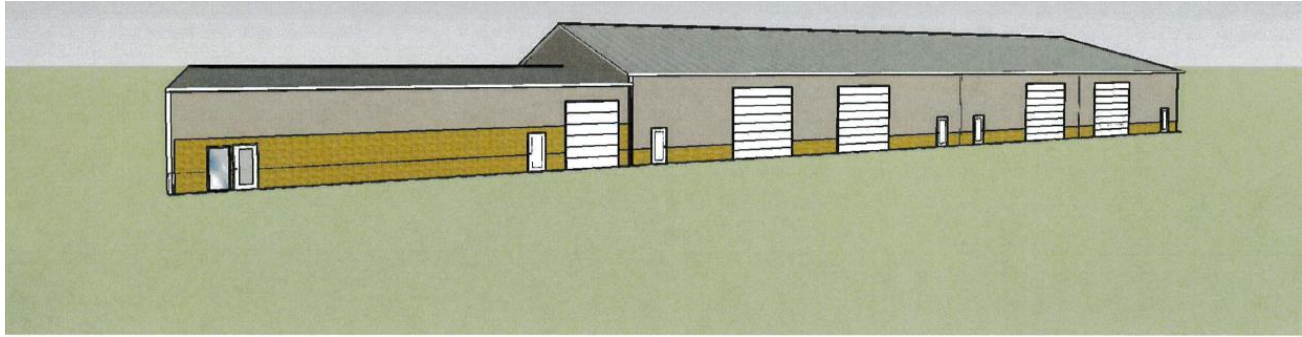


EXHIBIT D



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

EXHIBIT E

620 PROGRESS ZONING ANALYSIS					
CD-4.B					
NONCONFORMITIES					
ITEM	REQUIRED/ALLOWABLE	PROVIDED	VARIANCE NEEDED	PG	REFERENCE
Nonconforming Use of Building or Structure					
D. Nonconforming Buildings, Structures, Improvements, Signs		Existing Nonconforming Building is being enlarged	yes	13	Section 26-6.122
ZONING					
ITEM	REQUIRED/ALLOWABLE	PROVIDED	VARIANCE NEEDED	PG	REFERENCE
Lot width	18' min	150'	no	124	
Lot Coverage	70% max	38%	no	124	
	1 Principal		no	124	
Number of Buildings	1 Accessory	1 building		124	
Front Setback, principal	0' min, 20' max	35' - existing building line	yes		
Front Setback, secondary	0' min, 20' max	-	no	125	
Side Setback	0' or 6' min	9'-10" / 19'-9"	no		
Rear Setback	3' min	24'-7"	no		
BUILDING STANDARDS					
ITEM	REQUIRED/ALLOWABLE	PROVIDED	VARIANCE NEEDED	PG	REFERENCE
Building Composition	Each Principal Building must have an identifiable Base, Middle, and Cap	Existing building does not comply.	yes		
Principal Building Height	4 stories / 50' max	1 story	no	126	
Accessory Building Height	2 stories / 35' max	-	N/A	126	
Ceiling height	14' (25' max first floor)		no	126	
Building Materials	brick, natural stone, cast stone, wood or metal shopfront, terracotta, ceramic tile			126	
	glass, metal, wood			126	
	prohibited: alum siding, metal industrial type, vinyl, or asphalt siding, EIFS, cedar shakes, cmu, plywood siding	metal siding, existing; metal roofing	yes	126	
Façade					
Frontage Buildout	60% min	48% (existing building) existing entrance not on Principle Frontage.	yes	126	
Entrances	Main Entrance must be in Façade of Principal Frontage	Entrances to new Flex spaces would not be on Principle Frontage	yes	126	26-6.405.A-7
Facade Design Proportions	whole number fraction 1.414:1 or 1.618:1			126	
Blank Walls	Not permitted at Frontage	existing frontage is blank	yes	126	
	20-60% of total façade area		no	126	
Facade Void	70% min for shopfront frontages		no		

	windows and doors spaced less than 20' apart	proposed plan complies, existing building requires variance)	yes	127	
Facade Openings	less than 50% of facade area above 1st floor	N/A	no	127	
Roof type	Flat, Hip, Gable, Pitch	pitch	no	127	
Building Type	Flex	Flex	no	127	
PARKING					
ITEM	REQUIRED/ALLOWABLE	PROVIDED	VARIANCE NEEDED	PG	REFERENCE
Off street parking	2nd or 3rd Lot Layer	2nd or 3rd Lot Layer	no	128	26-6.405.A-7
	Must be screened	will comply	no	128	
	Parking lot not permitted		N/A	128	
	Parking Surface	Asphalt, concrete	Asphalt, concrete	no	
Driveway	24' max	24'	no	128	
office	3.3 spaces per 1000 sf / 12 spaces	22 spaces		243	26-6.405.O-1
warehouse	.7 spaces per 1,000 sf / 10 sapces				
Parking Space Dimensions	9' x 18'	9' x 18'	no	251	Table 26-6.405.O-3
BICYCLE PARKING					
ITEM	REQUIRED/ALLOWABLE	PROVIDED	VARIANCE NEEDED	PG	REFERENCE
light industrial	1 space per 20,000 sf gross floor area or 1 per 10 vehicle parking spaces provided, whichever is greater		2 no	255	26-6.405.O-6
OFF STREET DUMPSTER					
ITEM	REQUIRED/ALLOWABLE	PROVIDED	VARIANCE NEEDED	PG	REFERENCE
Off-Street Trash Receptacle/Dumpster	Required; fully enclosed on 3 sides, self closing gate, match principal building	will comply	no	129	26-6.405.A-7
LANDSCAPING					
ITEM	REQUIRED/ALLOWABLE	PROVIDED	VARIANCE NEEDED	PG	REFERENCE
All areas not covered	min 30% of first lot layer must be landscaped	will comply	no	130	26-6.405.A-7
Coverage	25% covered with groundcover, evergreens, or shrubs	will comply	no	130	
Trees	1 tree / 30 ft of non building frontage	1 existing	no	130	
SIGNS					
ITEM	REQUIRED/ALLOWABLE	PROVIDED	VARIANCE NEEDED	PG	REFERENCE
Monument Sign	1 / frontage	none	N/A	345	26-6.701.B
	18 sf max				
	6 ft high max, including basde				
	max 12 in letter height	none			
				352	26-6.701.B
1 / facade		Not on principal façade 1 for each tenant - 5 total	yes		
1.5 sf / linear foot of frontage		72' x 1.5=108SF Allowed	no		

Wall Sign	width 100% facade				
	7 in depth max				
	7 ft clearance min				
Lighting					
ITEM	REQUIRED/ALLOWABLE	PROVIDED	VARIANCE NEEDED	PG	REFERENCE
Areas to be lighted	Parking Areas, Parking lots, Parking structures	Will comply	no	263	Q. Private Lighting Standards
SCREENS					
ITEM	REQUIRED/ALLOWABLE	PROVIDED	VARIANCE NEEDED	PG	REFERENCE
Enhanced hedge	hedge screen planted adjacent to ornamental metal fence or wall screen	N/A	no	131	26-6.405.A-7
Parking lot at frontage in 1st and 2nd lot layer	wall or enhanced hedge required 3'-3.5'	will comply	no	131	
3rd lot layer	wall or hedge required 3'-3.5'	will comply	no		
dumpster/ trash receptacle	wall or fence required 6'	will comply	no	131	
USE					
ITEM	REQUIRED/ALLOWABLE	PROVIDED	VARIANCE NEEDED	PG	REFERENCE
Principal Use	see table	office/warehouse (warehouse not allowed)	Yes	132-137	Table 26-6.405A-7
SIDEWALKS					
ITEM	REQUIRED/ALLOWABLE	PROVIDED	VARIANCE NEEDED	PG	REFERENCE
Sidewalks	Required at Neighborhood or Commercial Streets in CD 4.B	No	Yes	266, 275-276	Division 4-S-2.i Table 26-6.502.B-2