



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 24-003

Hearing: PUBLIC HEARING

Application Type: Developmental Standards Variance

Summary: Joy Brown is requesting variances to Section 26-6.701 B.5 and Section 26-6.122 D.2.b to expand the sign cabinet.

Applicant: Joy Brown

Property Address: 9245 Calumet Ave

Current Zoning: CD-4A

Adjacent Zoning: North: CD-4A
South: CD-4A
East: CD-4A
West: SD-M

Action Requested: Open/Close Public Hearing

Actions Required: Approval of Findings of Fact

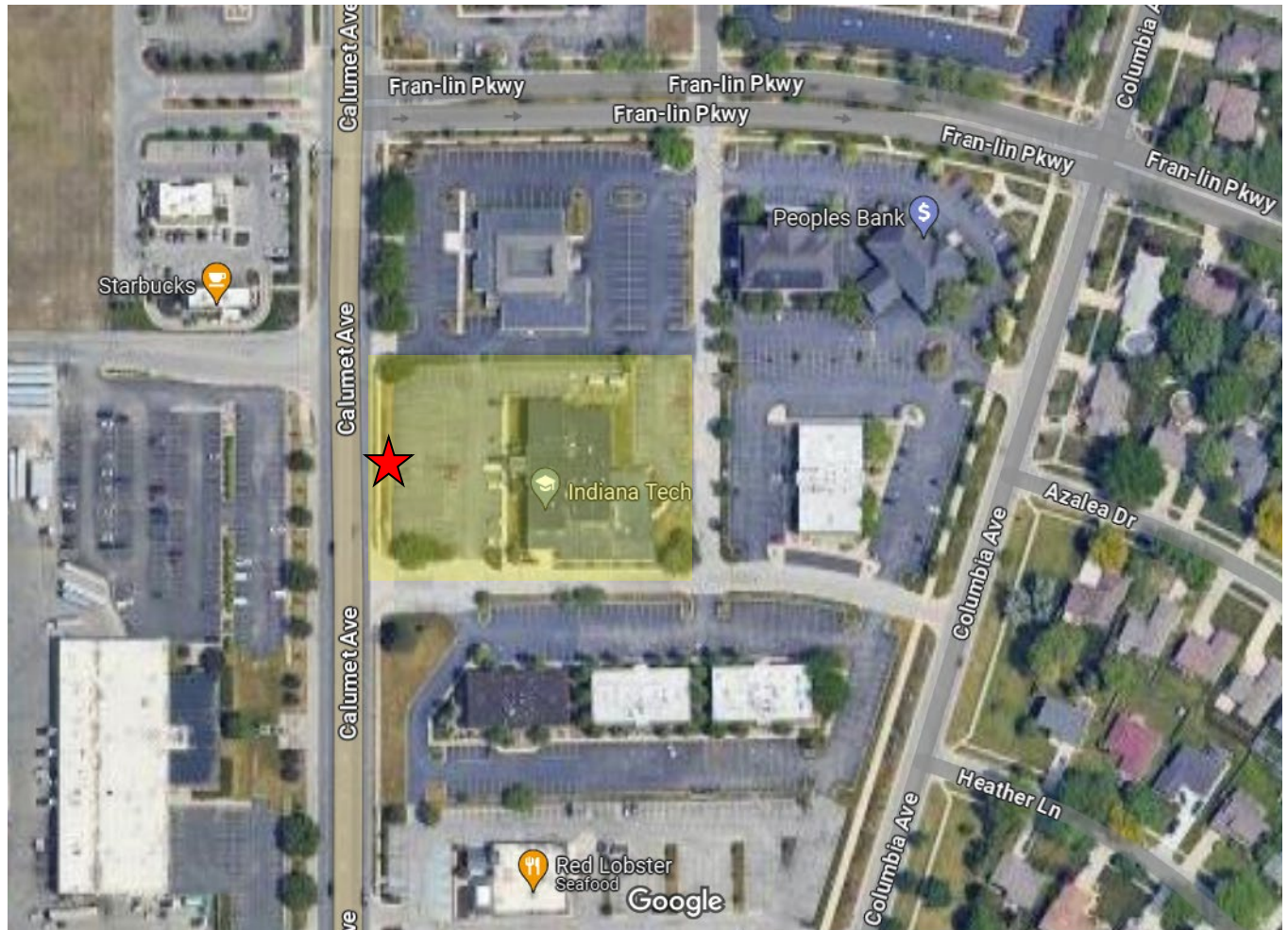
Staff Recommendation: Motion to Conditionally Approve

Attachments:

1. Exhibit A: Application
2. Exhibit B: Findings of Fact

PROJECT LOCATION:

9245 Calumet Ave is a multi-tenant (shared entrance) building with parking surrounding it on three sides and an access drive to the south. The monument in question is located along Calumet Ave in the center of the property.



PROJECT BRIEFING:

The applicant desires to update the existing monument sign which is considered legal non-conforming. The applicant desires to keep the existing stone frame and changeout the sign cabinet area that is worn and does not have easy access to change tenants signs out. The sign cabinet will be wider than the overall sign width which is legal non-conforming and therefore increasing its nonconformity which is not permitted.



The sign standards are governed by Chapter 26, Article VI, Division 7 of Munster Municipal Code. The applicant is requesting the following development standard variances to bring this legal non-conforming sign into compliance with code:

- Table 26-6.701.B Monument Sign
 - Quantity 1-per frontage
 - Proposed: Existing monument sign on east side of building.
 - Area Max. 18-sf
 - Proposed: 47.1-sf
 - Height Max. 6-ft
 - Proposed: 10-ft
 - Landscaping at least 3-ft on all sides.
 - Proposed: Shrubs, flowers and ground cover on three sides at 3-ft and one side at 2.5-ft

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:

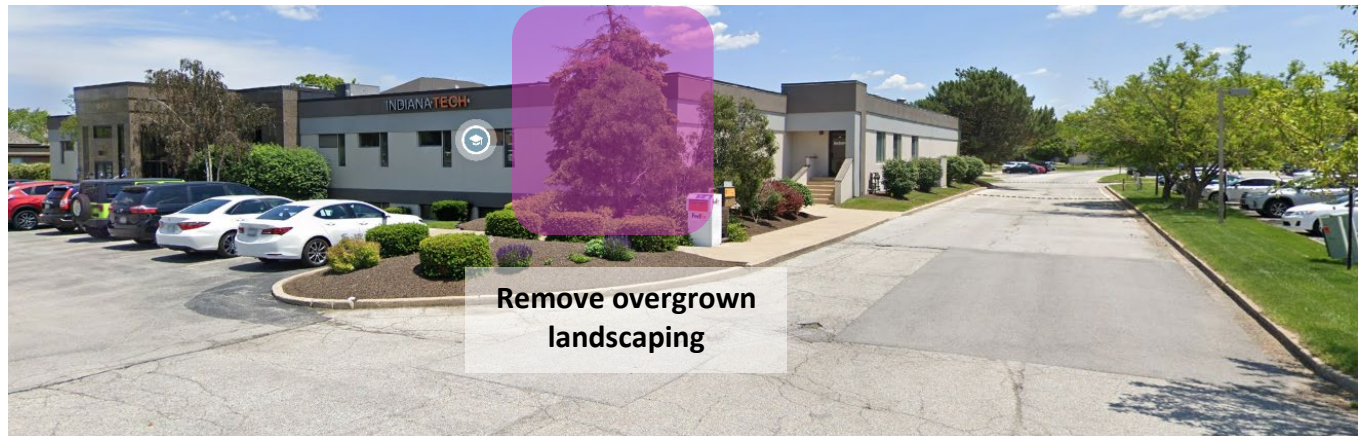
- i. it will not be injurious to the public health, safety, morals, and general welfare of the community;
- ii. the use and value of the area Adjacent to the property included in the Variance will not be affected in a substantially adverse manner; and
- iii. the strict application of the Development standards will result in practical difficulties in the use of the property.

The applicant has addressed these criteria (Conditions of Approval Questions Form) in Exhibit B.

STAFF FINDINGS AND RECOMMENDATION

Staff review of the subject site identifies an autocentric site design which was typical for the era it was built. Today's society encourages pedestrian oriented modes of transportation. The town's current zoning codes reflect these efforts, which now impact the preexisting structures and site design. In order to offer relief to site design, staff would support approval of these variance requests with the following condition:

Staff recommends the applicant include large address numbers on the corner of the building in accordance with 26-6.701 C.1. "One Address Sign per entrance, having a height of 12 inches or less". Staff also recommends replacing overgrown landscaping with landscaping in the appropriate scale.

**MOTION**

Staff request the Board of Zoning Appeals consider the following motion:

Motion to approve BZA 24-003 variance as detailed above, including all discussion and findings with the condition that the address number is added to south-west corner and overgrown landscaping trimmed down or replaced.

Exhibit A

Petition BZA 24.003Date: 5/6/24Application Fee: \$ 450.00 *pl*Sign Fee: \$ 25.00

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

Name of Owner

Howard Weiss

Phone Number

219.741.9970

Street address, City, ST, ZIP Code

3472 W. Lakeshore Dr., Crown Point IN 46307

Email address

HOWBUD@AOL.COM

APPLICANT OR PETITIONER INFORMATION (if different than above):

Name of Applicant/Petitioner

Joy Brown

Phone Number

630.636.1685

Street address, City, ST, ZIP Code

14129 Chicory Trail, Homewood, IL 60491

Email address

JOYBROWN123@GMAIL.COM

PROPERTY INFORMATION:

Business or Development Name (if applicable)

The Fairmont

Address of Property or Legal Description

9245 Calumet Ave; Munster

Current Zoning

Commercial

APPLICATION INFORMATION:

Please select what this Application is for:

☒ **Variance**

If yes, select one of the following:

☐ Use ☒ **Developmental Standards**☐ **Conditional Use**CODE VARIANCES REQUESTED:☐ **Administrative Appeal**SECTION 26-6.701 B.5.eSECTION 26-6.122 D.2.b

Brief Description of Project and List of Variances or Conditional Uses Being Requested (if applicable):

A-1 Affordable Signs will build (2) lightboxes w/ pan faces and push through acrylic lettering to read: THE FAIRMONT; duranotic/dark bronze aluminum. We will also extend the bottom lightbox 1" past the existing face of the Marble Monument. You will see the lightbox 1" from the side view of the existing monument sign. This portion will house tenant panels, flat cut bronze aluminum with 1/8" acrylic adhered. Each panel will have its own divider bar channel for panel replacement as needed. The existing Marble Monument will remain as is, with no additional square footage of the sign structure, and no change in messaging. The bush near the base of the existing sign will be removed.

Not applicable

Name of Registered Engineer, Architect or Land Surveyor

Phone Number

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 approval provides no changes to the messaging of the sign, which only states the name of the building and lists the major tenants.

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 approval does not change the size of the sign nor its overall aesthetic. The only changes to the sign will be improved visibility both day and night and an accurate listing of current tenants. It will be a visible improvement without altering the size/location of the sign, which should have a positive effect on the aesthetic of that area of Calumet Ave.

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:

As the sign currently exists, without the building name being backlit, the building is almost unidentifiable from Calumet Ave. This results in guests often missing the turn into the building and requiring an additional one or two drive-bys to locate the building. Tenants are complaining that it is difficult to provide directions to the building and that their guests have difficulty locating the building.

Attach additional pages if necessary