

MUNSTER BOARD OF ZONING APPEALS
MINUTES OF REGULAR BUSINESS MEETING
Meeting Date: July 9, 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 6:45 pm

Pledge of Allegiance

Members in Attendance:

Brad Hemingway
Sharon Mayer (On Zoom)
Ed Pilawski
Roland Raffin
Jonathan Petersen, Town Council Liaison

Members Absent:

Jennifer Johns

Staff Present:

Jennifer Barclay, HWC Consultant (On Zoom)
David Wickland, Attorney

Chairman Raffin said we do have a quorum.

Approval of Minutes:

a. June 11, 2024, Draft Minutes

Motion: Mr. Hemingway moved to accept the June 11, 2024; minutes as presented.

Second: Mr. Pilawski

Vote: Yes – 4 No – 0 Abstain – 0. Motion carries.

Preliminary Hearings:

- a. BZA24-006 DEVELOPMENTAL STANDARDS VARIANCE: Christy Carson-Roter with Region Contractors is requesting multiple development standards variances from Table 26-6.405. A - 7, for: Building Setback of an existing building, Building Composition, Building Material, Frontage Buildout, Entrances, Blank Walls, and Facade Openings for a 11,476 SF addition to the existing 4,918 SF building, and from Section 26-6.405.S-2.i for the installation of sidewalks at 620 Progress Avenue.**

Chairman Raffin introduced agenda item BZA24-006. He asked if the Board members had a chance to read the staff report since Mr. Mendoza is not in attendance. Ms. Barclay stated that she could review the staff report. If they have any questions, they can let her know. She reported that the property is at 620 Progress Avenue. There is an existing building that was first constructed in 1998. It is just over 5,000 square feet and just over 4,000 square feet of associated parking or paving. The owner would like to add on four separate units that will be an office and warehouse space with it. The units are just under 2,900 square feet each. They would also extend parking to the south. She said in the staff report, it details the development standards variances that would be needed. The next staff report addresses a use variance.

Ms. Barclay said the development variances they would need are as follows:

- The front setback: That is part of the existing building itself, it was just built under a different code.
- The building composition: Today's standards allow for a base, a middle and a cap. The building façade really is like a base and a cap.
- Building materials: They would just match the existing building materials which do not meet today's standards.
- The front façade: This would really be along the west side because each unit will have its own separate access.
- The Façade openings: Staff doesn't know this last piece, perhaps the applicant can speak to that.

She said we do need to determine some compliance standards; she has listed in the staff report what we just don't know yet. She said hopefully they plan to comply with those; they are aware of the variance standards. She said the staff does have a concern over the vagueness of the application as was noted. Overall, the intensity of the use seems to be fitting for the area, so we would recommend moving this forward to the public hearing.

She said the staff report for the next BZA item addresses a use variance. She offered to discuss that variance if the Board wanted her to since it is the same property. Mr. Raffin said to bring it all to the table. Ms. Barclay said she stated earlier they have a Use Variance request also. They want to have an office with a warehouse or warehousing facility. The current zoning does not permit that, so they're asking for that combined use. Office in general, like a medical lab or medical offices, is already permitted. It is the warehouse facility that is not permitted in this district. She said that is it.

BZA Liaison, Mr. Petersen, declared that even though he is a nonvoting member, he has an attorney relationship with the petitioner and would abstain from further discussion.

Mr. Nick Georgiou said Christy Carson-Rotor from Region is present; she is their operations manager. He introduced himself. He is with Region Contractors located at 912 West Avenue H, Griffith, Indiana. She said they represent the petitioner, 620 Progress, LLC, who wanted them to undertake the expansion of this existing building into this multi-use tenant facility. It is broken up into two variances, the Development Standards and the Use Variance. He addressed the development standards first by saying they have 9 variances and literally all 9 are basically asking to allow them to grandfather in the existing building because it was built under the old zone ordinance. In order for them to be able to expand on the building to do the new part they're proposing, they need the variances on the existing. He said only 2 of the developmental variances are what they are requesting on the new part. He explained that, as Ms. Barclay had mentioned, this is a non-conforming building that was built under a different set of codes. In order for them to enlarge it, they need a variance to allow them to do that. It was built where it is and it doesn't conform to the setback, so they need a variance to allow it to sit where it is. The existing composition of base metal cap, the face, the metal siding and the coping, again, that doesn't comply to the current zoning requirement. Their request, as that variance applies to the new part, is for

the metal siding be an allowable material use for the new part and to be grandfathered in for the old part. For the frontage, again, the building is already built, it just doesn't meet the minimum requirements. For the frontage width, they need a variance to allow the building to exist. On the original building, the front wall is a blank wall, but the current zoning code does not allow blank walls to exist. They want it to continue as it is. He said there are no facade openings in the front. In this new plan, the west elevation is the primary facade and entrance of the original, existing building and all the new multi-tenant spaces are along the west elevation also. All the requirements for windows and doors and spacing have been provided as requested on the new part. They are not requesting a monument sign. He said they are allowed up 108 square feet, he believes, of footage or frontage. But in this case, they are asking, as shown in their application, for 5 individual signs totaling approximately 100 square feet on the west elevation. That would be a variation from the principal frontage. He said he would skip the use variance for now. Mr. Georgiou said the point is, technically they must have sidewalks. He said there are absolutely no sidewalks in the business park except at Franciscan Hospital on the north side of Superior Street. The variance request is not to have sidewalks, basically. He said those are 9 developmental variances explained. He asked if the Board members had questions for him.

Chairman Raffin asked Ms. Barclay if the current building meets the current landscape requirements or if they would need a variance for that as well. Mr. Georgiou said he could answer. He said the Planning Department had provided a list of questions, which he said is a major hurdle to be honest, about the use and the development variances. He said he replied to the HVAC units, landscaping, screening, parking, ADA parking, the whole nine yards. They will comply. They will update the landscaping for the type of project based on the current landscaping ordinance. They will provide parking. There were some comments about ADA van spacing and the dumpster enclosure which is shown on the plan. It is their intent to comply with the development ordinance on those improvements that aren't shown here.

Mr. Raffin asked for the intent of the uses, if they would be leased individually or are they owner occupied. Mr. Georgiou said the owner occupies the front part and he may expand into some of the additional part; he hasn't indicated that. He said these multi-use flex buildings with warehouse are in high demand. They'll get mom and pop shops or even bigger shops, a little service office and a warehouse in the back. He said they are showing the worst-case scenario for parking. He has run the parking lot because parking drives this project. They ran it for just a single tenant; that makes the parking count 122 spaces if it is office/warehouse. That is for about 2400 square feet of office. He ran it for 2 spaces of 6,000 square feet each, again approximately 1,200 square feet of office each. He still hit the parking number. The worst-case scenario, including existing, is 5 tenants with office warehouse and he is still at 122 parking spaces. This is basically a spec building. There are some potential tenants, but it may end up with one tenant or it may end up with four. They had to run that scenario so that we could cover the parking correctly for this type of use.

Mr. Raffin asked if anything would be parked outside of this property or would everything be parked inside; specifically, would there be trucks, or anything, parked outside on this property. Mr. Georgiou said other than employee parking, everything will be contained inside. Mr. Raffin said one issue he has is that the sidewalks are a tough sell because if everyone says they don't want to put a sidewalk in, we never complete sidewalks. The goal of the Plan Commission as well as a Council directive over the years is we're putting sidewalks in as we go. That is why you see when people come in front of the BZA, they

update the property. There are sidewalks in town to nowhere, but if we don't put them in, we'll never have sidewalks completed. Mr. Georgiou said the owner might be amenable, but they would be the only sidewalks in this fully developed area. Mr. Raffin said 3 Floyds has sidewalks around different parts in that area that go to nowhere right now, but the intention is to get sidewalks in town. We don't want people to walk in the streets. Mr. Georgiou said this is understood.

Motion: Mr. Hemingway moved to schedule BZA Docket No.24-006 for a Public Hearing on August 13, 2024.

Second: Mr. Pilawski

Vote: Yes – 4 No – 0 Abstain – 0. Motion carries

Mr. Raffin advised Mr. Georgiou to work with staff to make sure all the public notice requirements are met for the public hearing.

- b. BZA24-007 USE VARIANCE: Christy Carson-Roter with Region Contractors is requesting a Use Variance from Table 26-6.405. A -7, to allow future warehouse/warehousing facility uses within a proposed 11,476 addition to an existing 4,918 SF office/warehouse building at 620 Progress Avenue.**

Chairman Raffin introduced agenda item BZA24-007. Ms. Barclay said this had been address previously and she had nothing more to add.

Mr. Georgiou said he brought some supplemental information to distribute. Basically, he drove through the entire business park to look at the uses. Their neighbor to the east is Bowman Printing which is office/warehouse/factory. Their immediate neighbor to the west, which currently is a Golf Shop, is a multi-tenant office warehouse facility. To the west of them is American Machine Corporation which is office/ warehouse/factory. He said the point is, there are multiple warehouse operations within this park. They are not asking to put something unusual that doesn't already exist there relative to this use variance. Mr. Raffin asked if there is any intention of selling each unit out like a condo unit. Mr. Georgiou said not at this point. Mr. Raffin said that is one thing he would not want to see. Mr. Georgiou said he will relay that to the owner. Mr. Raffin said having 5 different owners on the same property is very tricky for such a small unit. Mr. Georgiou said that these units are in demand for leasing, and he doesn't think they will have any problem filling the space.

BZA Liaison, Mr. Petersen, declared that he has an attorney/client relationship with the petitioner and would abstain from further discussion.

Motion: Mr. Hemingway moved to schedule BZA Docket No.24-007 for a Public Hearing on August 13, 2024.

Second: Mr. Pilawski

Vote: Yes – 4 No – 0 Abstain – 0. Motion carries.

Chairman Raffin again advised Mr. Georgiou and Ms. Carson-Roter to work with staff to make sure all public notice requirements are met for both public hearings next month.

Public Hearings:

- a. **BZA24-003 DEVELOPMENTAL STANDARDS VARIANCE:** Joy Brown representing Howard Weiss of the Fairmont Business Building is requesting development standards variances from the Town of Munster Zoning Code, Table 26-6.701(B) Monument Sign Specific Standards for quantity, area, height, and landscaping and from Section 26-6.701(B)(5)t. to extend an existing sign cabinet on each side of an existing monument sign located at 9245 Calumet Avenue.

Mr. Raffin introduced agenda item BZA24-003. Ms. Barclay explained that 9245 Calumet Ave is a multi-tenant building with parking surrounding it on three sides and an access drive to the south. The monument in question is located along Calumet Avenue in the center of the property. She noted that the sign is currently legal, non-conforming, however, in order to update the cabinet, they must comply with the current standards. She said that the staff has no major issues with the improvements that are proposed, in fact, they are happy to see improvements. She said the owners need to remove overgrown landscaping and add address numbers to make it easier for people to see the site before their vehicle passes it. Staff recommends that these conditions be included in any approval by the Board. Mr. Raffin asked if the petitioner wished to speak.

Mr. Howard Weiss of 9245 Calumet Avenue introduced himself as the building owner. He said they are in the process of making improvements to the site. He explained that Joy Brown, who attended via Zoom and phone, has been his “boots on the ground” in moving them forward with their plans. Mr. Raffin said the Board had pointed out the trailers parked on the site as a problem at the preliminary hearing the previous month. There is now a new Bobcat trailer parked in front of the monument sign. He said he had taken pictures of this site which show the conditions of the dumpster enclosure and the asphalt. Mr. Weiss said that his son is now running the operation, and everything will be gone by the end of the month. He added that since he is now retired, he can focus on all of this. They are working with Ray from Affordable Signs.

Mr. Petersen said he has read the staff report. He stressed that variances are a privilege, not a right. He said the parking lot and other condition issues do not show the actions of a good corporate citizen. Mr. Weiss said they are not requesting any variances from landscaping. Ms. Barclay said they intend to meet the landscaping requirements on three sides. Ms. Brown, on phone, said they are working out the groundcovers, shrubs and flowers but they are unable to meet the landscaping code on the fourth side since there is a sidewalk and only 2 ½ feet on the west. Mr. Raffin said the use of life has been met with the asphalt explaining that the pavement is potholed and cracked in the parking lot and on the service roads. Mr. Weiss said this (repair) is supposed to happen. Ms. Brown said they are working to get the road resurfaced. Ms. Mayer asked when the Board members would get a site plan showing the landscaping.

Mr. Petersen said the Board can put in a motion or put this request on hold until next month. Mr. Weiss said they want to get started right away. Ms. Brown said she has been working with Nicole from staff on the exact landscaping choices. They would like to do the landscaping after the sign changes are complete. Ms. Barclay suggested a sixty-day completion as a condition of approval. Mr. Raffin said they

could be a little more flexible so they can work within the paving and landscaping season with an October 1st deadline, but the trailers and trucks should be removed within thirty days. Ms. Brown said Ray from Affordable Signs can let them know dates when they have the approval, and the dumpster doors can be reinstalled within sixty days.

Chairman Raffin opened the public hearing. There were no public comments. He closed the public hearing.

Motion: Mr. Hemingway moved to approve BZA Docket No.24-003 providing the following conditions are met:

1. Large address numbers are installed on the southwest 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.
2. Corrections are made to the site in accordance with Town code to be completed by due dates as follows:
 - Trucks and trailers are to be removed from the property by August 9, 2024.
 - Paving restoration is completed on the parking lot and service road by October 1, 2024.
 - Dumpster enclosure and fence repairs will be completed by October 1, 2024.
 - Landscaping of the appropriate size, variety, and location is completed throughout the site by October 1, 2024.

Second: Mr. Pilawski

Vote: Yes –4 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 – 4 No – 0 Abstain – 0. Motion carries.

Continued Discussion Items/Other Business: None

Norwich Sports Arena contractors attended and said they thought they should be on the agenda. They said they had been working with Nicole and Sergio. Mr. Raffin told them he didn't have anything to review. Ms. Barclay said that she had heard about this. Her last recollection was that staff had asked for additional information. She didn't think anything additional had been received.

Next Meeting: Chairman Raffin announced the next regular business meeting will be held on August 13, 2024.

Adjournment:

Motion: Mr. Pilawski moved to adjourn.

Second: Mr. Hemingway

Vote: Yes –4 No – 0 Abstain – 0. Motion carries.

Meeting adjourned at 7:27 pm

Chairman Roland Raffin
Board of Zoning Appeals

Date of Approval

Executive Secretary Sergio Mendoza
Board of Zoning Appeals

Date of Approval