



## BOARD OF ZONING APPEALS STAFF REPORT

**To:** Members of the Board of Zoning Appeals

**From:** Jennifer Barclay, HWC Engineering

**Meeting Date:** August 13, 2024

**Agenda Item:** BZA No. 24-004

**Application Type:** Developmental Standards Variance

**Hearing:** Preliminary Hearing

**Summary:** The applicant, Mubarak A. Mirjat, is seeking a variance to development standards to allow a 40-sf wall sign on a non-front façade and over another's tenant facade.

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**Applicant:** Mubarak A. Mirjat

**Property Address:** 8220 Calumet Ave, Suite B

**Current Zoning:** CD-4.A (General Urban-A District)

**Adjacent Zoning:** North: CD-4.A  
South: CD-4.A  
East: CD-4.A  
West: CD4-R4

**Action Requested:** Schedule Public Hearing

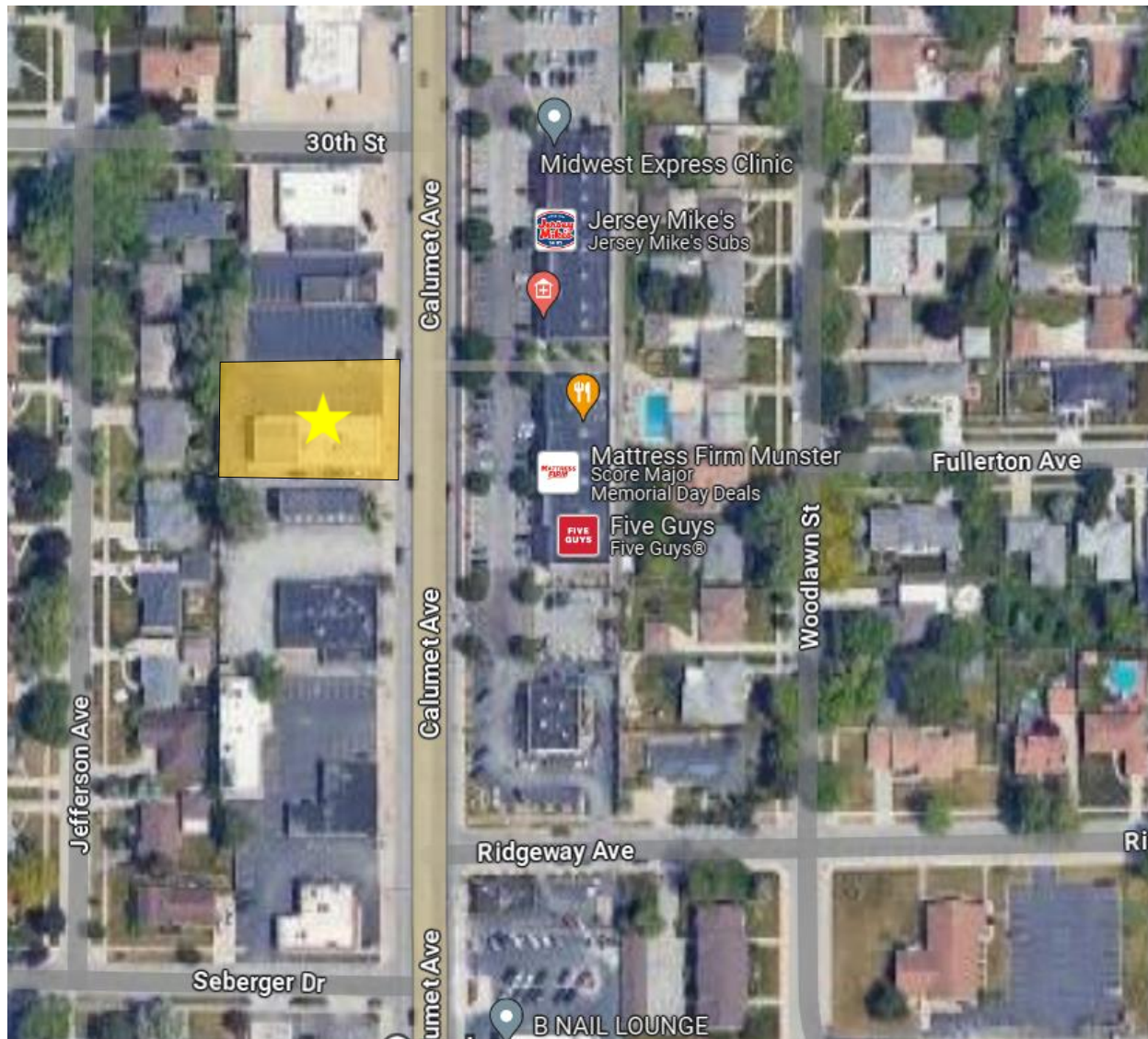
**Additional Actions Required:** Findings of Fact

**Staff Recommendation:** Motion to Schedule Public Hearing  
Review Conditions of Approval Questions  
Review of Zoning Code(s)

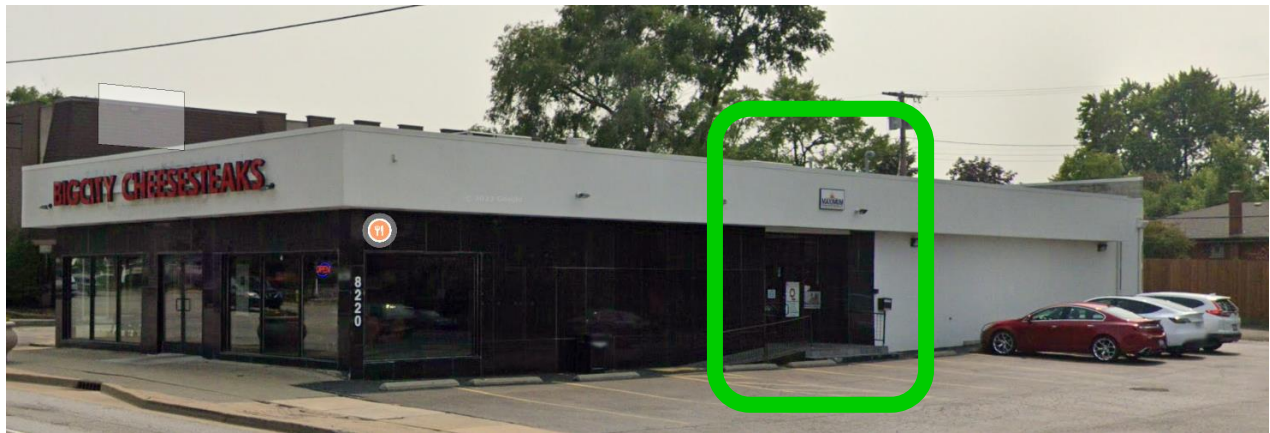
**Attachments:** 1. Exhibit A: Application  
2. Exhibit B: Development Standard Variance Findings of Fact

**PROJECT LOCATION**

The property is accessed from Claument Ave. The tenant space is along the north façade (facing the parking lot). The entrance is also along the north façade approximately middle of the building.

**PROJECT SUMMARY**

The applicant is requesting signage along the north façade of the building. The building is located up to the sidewalk on Calumet Ave with parking on the northside of building. The applicant is utilizing a door sign and small wall sign on the north façade. This building was clearly constructed with one occupant in mind. However, today the building is split in two tenant spaces with a front and rear tenant space.

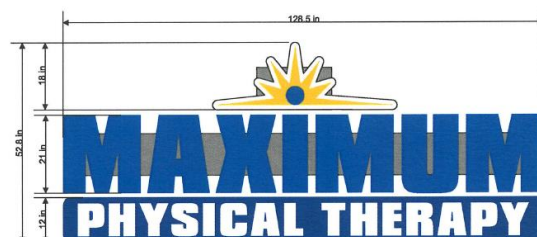
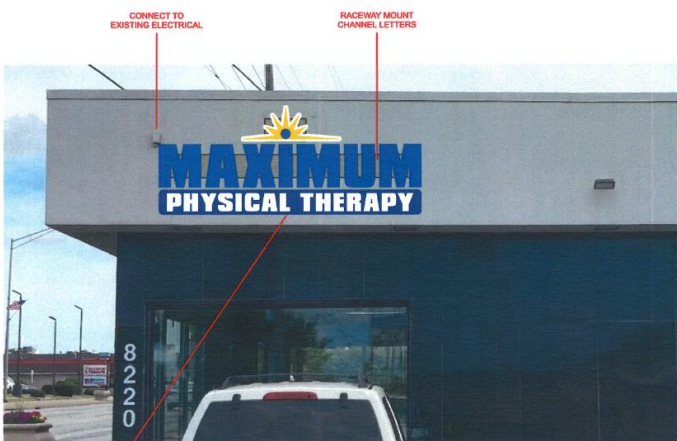
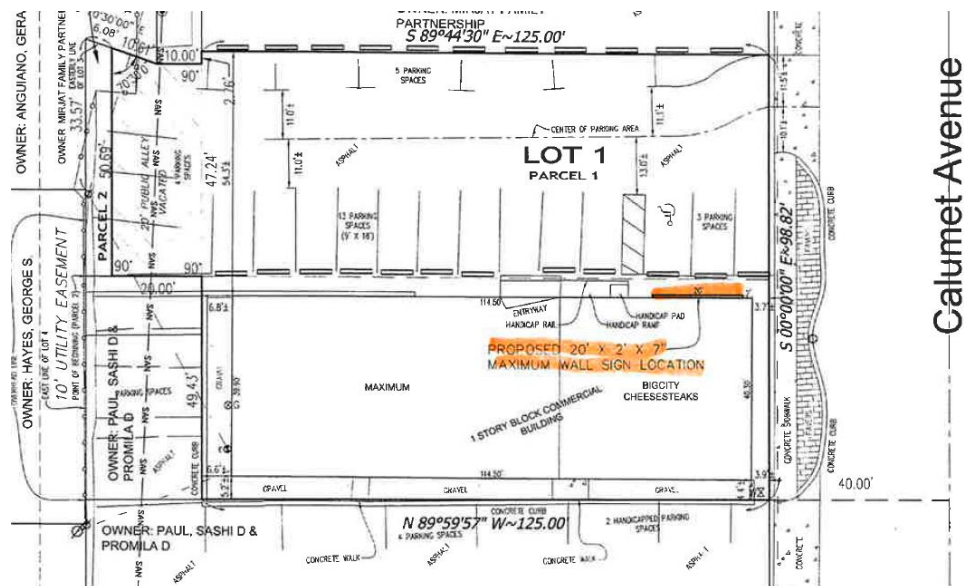


At the June 09, 2015 BZA Meeting a sign variance was granted to permit the current sign on the east façade. At that time there was a sign along the north façade that has since been removed and would not be permitted today under current code.





Today, the applicant (Maximum) wishes to install a 128.5 in. long x 52.8 in. tall x 2-in. deep over the Big City Cheesesteaks tenant space on the north facade.



ILLUMINATED

QTY: (1) ILLUMINATED RACEWAY MOUNTED CHANNEL LETTERS

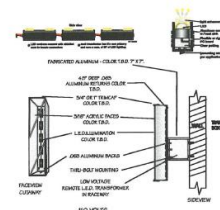
- POLY FACES WITH VINYL APPLIED
- TRIM CAP / RETURN: WHITE
- U.L. LISTED, WHITE LED ILLUMINATION
- SAFETY SWITCH
- CONNECT TO EXISTING 120V FEED
- SIGN INSTALLED TO FACADE
- INCLUDES CONING OFF AREA
- SITE SURVEY COMPLETED 06.24.2024

**PERMITTING AND VARIANCES:**

- CLIENT TO HANDLE PERMIT SUBMISSION AND APPROVAL, AND PROVIDE NECESSARY DOCUMENTATION TO SIGN OUTLET.
- SHOULD SIGN OUTLET BE INVOLVED IN THE PERMITTING PROCESS, AN ADDITIONAL FEE OF \$500.00 WILL BE REQUIRED.
- SHOULD SIGN OUTLET BE INVOLVED IN ASSUMED VARIANCE PROCESS, ADDITIONAL FEES WILL APPLY (TBD, BASED ON TIME).
- SIGN PERMIT AND LICENSE FEE(S), REGISTRATION, AND/OR OTHER FEES WOULD BE ADDITIONAL.

**INSTALLED ESTIMATE: \$8,500.00 - \$9,285.00**

\*A DEPOSIT OF 50% IS REQUIRED TO BEGIN ANY DESIGN AND/OR PRODUCTION WORK. ANY REMAINING BALANCE IS DUE ONCE INSTALLATION IS COMPLETE.  
\*\*REGISTRATION, SIGN PERMIT AND LICENSE FEES, AND/OR OTHER FEES ARE ADDITIONAL.



TYPICAL L.E.D. ILLUMINATED CHANNEL LETTER  
MOUNTED TO WIREWAY

**CODE**

The applicant is permitted a wall sign (one already exists) up to 1.5-sf per lineal ft. Also, the sign is permitted 100% width of the façade but not further.

Tenant facade = 71-ft

Max Area of Wall Sign = 106.5-sf

In addition, according to 26.6.701 B.5.i.:

“Signs not owned by or leased to the operator of a business on a site are prohibited.” The applicant is requesting a wall sign over a business space he does not lease.

**Permitted Districts**

**CD-4.A CD-4.B CD-5 SD-M SD-PUD CZ**

**Description**

A Sign that is flat against the Facade and typically placed directly above the main entrance and often runs horizontally along the entablature of traditional Buildings. Wall Signs are typically intended to be seen from a distance and are often accompanied by additional pedestrian-scaled signage.

**Dimensions**

Quantity (max)	1 per Facade or 1 per first floor business Frontage if multi-tenant Building
Area	1.5 sf per linear ft of Facade or business Frontage
Width	max 100% width of Facade
Depth / Projection	max 7 in
Clearance	min 7 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.

Sec. 26-6.804.I 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 in the attached application.**

**STAFF RECOMMENDATION**

Staff request some clarification from the applicant:

1. Will the existing wall sign on north facade remain in place? If so, what are the dimensions?

Staff has concerns regarding placing a wall sign over another's tenant space.

**MOTION**

The Board of Zoning Appeals may wish to consider the following motion:

Motion to send this case for a public hearing after the applicant has revised the application to include all variances needed.

## Exhibit A

Petition BZA 24 - 004

Date: \_\_\_\_\_

Application Fee: \$ \_\_\_\_\_

Sign Fee: \$ \_\_\_\_\_

**Town of Munster Board of Zoning Appeals Petition Application****OWNER INFORMATION:**MUBARAK A. MIRJAT708-906-2853

Name of Owner

Phone Number

8220 Calumet Ave SE B. Munster, IN 46321doctor.mubarak@icloud.com

Street address, City, ST, ZIP Code

Email address

**APPLICANT OR PETITIONER INFORMATION (if different than above):**MUBARAK A. MIRJAT

Name of Applicant/Petitioner

Phone Number

8220 Calumet Ave SE B. Munster, IN 46321doctor.mubarak@icloud.com

Street address, City, ST, ZIP Code

Email address

**PROPERTY INFORMATION:**8220 Calumet Ave. Maximum Rehabilitation Services, LLC

Business or Development Name (if applicable)

8220 Calumet Ave SE B

Address of Property or Legal Description

Current Zoning

Munster, IN 46321**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):

NEED SIGN ON North Side of BuildingL20' X 24' H 7" D 40sfTable 26-6.701.B WALL-SIGN-STANDARDS - Description  
for a sign not located on the "facade" (frontage line)  
over the main entrance.Allen Stuart219-836-8918

Name of Registered Engineer, Architect or Land Surveyor

Phone Number

907 Ridge Road Munster, IN 46321Stuart.allen@foxenga.com

Street address, City, ST, ZIP Code

Email address



Exhibit B

24-004

**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:

Sign is installed as it was previously installed on the North side of building.  
It will not have any scope of size.

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:

No

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:

It will not occupy any traffic right-of-way

**Attach additional pages if necessary**