

MUNSTER BOARD OF ZONING APPEALS
MINUTES OF REGULAR BUSINESS MEETING
Meeting Date: October 8, 2024

The Board of Zoning Appeals meeting was held at Munster Town Hall, 1005 Ridge Road in the main meeting room and could be accessed remotely via Zoom Webinar, a video conference application.

Call to Order: Chairman Raffin called the meeting to order at 6:45 pm

Members in Attendance:

Brad Hemingway, Vice Chairman
Sharon Mayer
Ed Pilawski
Roland Raffin, Chairman

Members Absent:

Jennifer Johns

Staff Present:

Jennifer Barclay, HWC Consultant
David Wickland, Town Attorney
Denise Core, Administrative Assistant

Jonathan Petersen, Town Council Liaison

Chairman Raffin stated we do have a quorum.

Approval of Minutes:

August 13, 2024, Draft Minutes

Motion: Vice Chairman Hemingway motioned to accept the August 13, 2024, minutes.

Second: Board Member. Mayer

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

September 9, 2024, Draft Minutes

Motion: Vice Chairman Hemingway motioned to accept the September 10, 2024, minutes.

Second: Board Member Pilawski

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

Preliminary Hearings: None

Public Hearings:

Chairman Raffin introduced BZA 24-004 DEVELOPMENTAL STANDARDS VARIANCE: Dr. Mubarak Mirjat for Maximum Rehabilitation Services is requesting a variance from Table 26-6.701.B. WALL SIGN- Standards-Description to install a wall sign along the drive aisle facade, north side of the building, located at 8220 Calumet Avenue, Suite B.

HWC Consultant, Jennifer Barclay stated this is a variance for a sign on a non-front facade, a wall sign. She stated this property is at 8220 Calumet. It is Suite B in the back half of the building. She added that the makeup of the property is a building along the entire south property line up to Calumet Avenue and the parking is on the north side of the property. She noted that the staff report included pictures of the

Suite B entrance on the back side of the building. She stated there is a small wall sign over the door and door signage as well. She stated there had been a sign variance granted in 2015 before the space was split into two tenant spaces. At that time, it was single tenant that had a sign closer to Calumet Avenue and along the north facade. The petitioner's tenant space is now in the back 77 feet of the building. She stated that the proposed sign specifications would meet the town code for the physical size as proposed; a tenant can have one and a half square feet per linear feet. She explained that the proposed placement of the sign over the frontage tenant's space, shown in renderings with the dark windows, is not permitted; a building sign that is not on the tenant space is not permitted in our code. The petitioner is requesting a wall sign over a business façade that he does not lease. She stated there are two parts of the code that address the sign placement standards, the staff report includes those standards. Ms. Barclay concluded by stating the petitioner could have a sign on the north façade, however, it is not to extend over the other tenant space. She stated that the staff recommendation, if the Board were considering approval, would be on the condition that the sign not be placed over the other tenant space.

Chairman Raffin asked for exact proposed dimensions of the sign and the exact variance requested, whether it is for the size or the placement.

Ms. Barclay stated the total length is 283.14 inches, the total height including the starburst is 30 inches, and the letters are 14 inches; it projects off the surface 7 inches.

Chairman Raffin asked if the dimensions of the proposed sign and having two signs on the building meet the code.

Ms. Barclay stated that the size is compliant and the petitioner had indicated that they would remove the second sign. She clarified for the Board that the second sign she referred to is the small sign that is above the petitioner's tenant space now. The Big City Cheesesteaks sign on the front façade would remain. She stated that the placement of the proposed sign on the side of the building and over the other tenant space is not permitted. She concluded by stating the variance requested is not for the size, it is for the location. Staff applied standards of what you would call a frontage sign and came up with the measurements for this sign.

Board Member Mayer stated the code detailing dimensions reads "one per facade, or one per first floor business frontage if multi-tenant building" and asked if this meant they would get one on each side.

Ms. Barclay stated that there is an intermix of the terms façade and frontage but they are two different things. She added that signs are meant to be on the front, that is how our code views them. A façade is just a building façade but the front façade is Calumet Avenue.

Chairman Raffin stated that the theory of the code is if the Big City Cheesesteaks sign facing Calumet Avenue was a smaller sign, this tenant's sign would be a secondary sign on the front of that building.

Ms. Barclay said yes.

The petitioner, Dr. Mirjat, 8220 Calumet Avenue, Suite B, stated they actually had two signs back when they had Dr. Sharif. He stated that somehow, the cheesesteak guy came in behind him, without telling him anything, just got it done quickly and they had to throw their sign away.

Chairman Raffin asked who owns the building.

Dr. Mirjat stated he owns the building.

Chairman Raffin asked how someone could put a sign on his building without him knowing about it.

Dr. Mirjat stated that they got it approved and put it up. He said he went outside and asked where his sign was and was told that they only give you one sign. He added that he didn't want to fight about it so he kept quiet.

Chairman Raffin said he didn't think someone could put a sign on a building without owner approval.

Board Liaison Petersen stated that those things happen. He stated that he wanted to share that we are in the middle of a technical release of the zoning code, and one of the things that they are discussing is liberalizing some of the provisions as they apply to signage. He said he doesn't know if any of those measures are actually applicable here, but there is a push right now, and the Chamber of Commerce has weighed in on this, to allow a little bit more flexibility in terms of signs. He stated that he thought it would be helpful for the Board to be aware this is under discussion, however, nothing has been enacted yet.

Chairman Raffin stated that they need to come up with something that separates Munster as a high-end community from some of the border communities where signage dominates the architectural style of the buildings. He added that he is not sure advertising with signage is what it used to be since everyone locates buildings by GPS, phones and other means.

Board Liaison Petersen stated he agrees with Chairman Raffin. It is a balancing act but they are moving in the right direction with a reconfiguration of the code that incorporates all of the stakeholder desires and interests.

Dr. Mirjat stated that one issue involved his patient who is a paraplegic and in a wheelchair. The driver drove all over and couldn't find the Dr.'s office. When his time was up, he just came in to say I'm here, but I don't have time. The driver was from the insurance and had to take him back. He stated there is a sign on the door that can be removed when the new sign is installed. He stated that his tenant had placed their sign on the entire front façade and he needs signage to be found by his patients. He said he wishes he had the old sign back. He concluded by stating that Nicole Mazur told him he can't put a second sign in front or a monument sign. He stated that he worked with Nicole and Director Mendoza to come up with this sign which is very nice.

Chairman Raffin opened the public hearing and asked if anyone else wanted to speak. There were no comments. He closed the public hearing. He asked Ms. Barclay for the staff recommendation.

Ms. Barclay stated the staff's opinion is to put it over the façade of Suite B because if it is placed on the corner, people would walk around the corner to the Big City Cheesesteak business.

Dr. Mirjat stated that no one would see the sign if it was further down because of the large trees. He added that there is 50% chance people will miss it when driving by.

Chairman Raffin stated that anyone driving north on Calumet Avenue will miss it, too.

Further discussion ensued with regard to multi-tenant buildings and the number of signs each tenant would be entitled to with consideration of the location of the entrances.

Ms. Barclay stated in discussions with Director Mendoza that a variance is required for a sign along the drive aisle on the north side of the building for that business, she stated that they could be entitled to have a sign on that side of the building. She added that the site is a multi-tenant building, and the north side of the building is where the tenant enters the space; it is the front for them. She concluded that the variance is for the location of the sign to be on the north side of the façade over the adjacent tenant space because the renderings show they have 77 feet of side façade for their tenant space.

Board Member Mayer stated that then they wouldn't need a variance if they put the sign anywhere within the 77 feet of their tenant space. She said the sign is really large, and only a few feet away and around the corner from another very large sign.

Vice Chairman Hemingway stated if they were to center that sign over the entrance door, they would still need a variance.

Board Member Pilawski stated the businesses have a large parking lot, if they were to move the sign over 12 feet, it would still be seen.

Dr. Mirjat stated that the sign was already approved by Nicole and Mr. Mendoza. Since no one came to the public hearing to object, it should be approved. He added that he had received an award for the property.

Board Member Mayer stated that she remembered the variance he had received in the past and that improvements to the property were a condition of that variance approval.

Chairman Raffin asked if the Board had any further discussion.

Vice Chairman Hemingway motioned to accept the sign but to center that sign over the doorway of the north façade.

Mr. Pilawski seconded the motion.

Chairman Raffin stated the Board had a motion and a second and asked for a roll call.

Mr. Mirjat asked if the sign was approved.

Chairman Raffin stated there was a motion and a second to approve the sign but having it centered over Dr. Mirjat's door.

Dr. Mirjat stated that was not going to work for him, that the sign would not be visible from the street.

Chairman Raffin stated that the matter was not up for debate.

Ms. Barclay asked for confirmation that the public portion of the meeting was closed. Ms. Core confirmed the public hearing was closed. Ms. Barclay stated that the meeting was, at that point, open for only the Board to speak. She repeated Chairman Raffin's request for a roll call.

The motion passed unanimously.

Motion: Vice Chairman Hemingway made a motion to approve BZA24-008 granting a variance from Table 26-6.701.B. WALL SIGN-Standards-Description to install a wall sign along the drive aisle facade, north side of the building, located at 8220 Calumet Avenue, Suite B with the condition that the sign be centered over the doorway on the north façade.

Second: Board Member Pilawski seconded the motion

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

Chairman Raffin stated to Dr. Mirjat that the sign that was approved was the same length, the same height, the same signage but the location would be over Dr. Mirjat's business door.

Dr. Mirjat continued to express his displeasure with the Board's decision.

Ms. Barclay stated that there could be a discussion at a later time but the matter was closed and the Board would move on to the next item on the agenda.

Findings of Fact:

Chairman Raffin introduced the Findings of Fact for BZA24-008 DEVELOPMENTAL STANDARDS VARIANCE: Eric Stojkovich with Stojkovich, Inc and Chad Groen with Groen Landscape representing Steve Westerberg, residential property owner, are seeking two Developmental Standards Variances from TABLE 26-6.405.A-3 DISTRICT STANDARDS for LOT OCCUPATION and BUILDING STANDARDS to construct a 3,784 square feet (43' X 88') accessory structure 20 feet tall to enclose an existing sports court at 10125 Norwich Drive.

Board Member Mayer stated that the Findings of Facts had slightly different verbiage than was stated in the motion. She stated that her motion was the applicant had not proven practical difficulties or unnecessary hardships but item 1 on the Findings of Fact read that the Petitioner has not proven significant economic injury from the enforcement of the Zoning Ordinance.

Chairman Raffin stated that this could be tabled until resolved.

Motion: Board Member Mayer motioned to table the Findings of Fact for BZA24-008

Second: Vice Chairman Hemingway

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

Continued Discussion Items/Other Business: None

Next Meeting: Chairman Raffin announced the next regular business meeting will be held on November 12, 2024.

Adjournment:

Motion: Board Member Pilawski motioned to adjourn.

Second: Vice Chairman Hemingway

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

Meeting adjourned at 7:34 pm

Chairman Roland Raffin
Board of Zoning Appeals

Date of Approval

Executive Secretary Sergio Mendoza
Board of Zoning Appeals

Date of Approval