

MUNSTER BOARD OF ZONING APPEALS

PETITIONER:
Sukhwinder Singh Basra
9451 Calumet Ave.
Munster, IN 46321

BZA DOCKET NO. 24-009

APPLICATION: Conditional Use

OWNER:
Good Oil Co., Inc.
1201 N. US Hwy 35
Winamac, IN 46996

PROPERTY:
DP Petroleum
9451 Calumet Ave.
Munster, IN 46321

FINDINGS OF FACT

1. Good Oil Co. Inc. is the owner of the real estate located at 9451 Calumet Ave., Munster IN, identified by parcel # 45-07-30-301-004.000-027 (hereinafter "Property"). The Property is presently zoned General Urban Character District (CD-4.A).
2. Petitioner, Sukhwinder Singh Basra, is the lessee of the Property since 2022, whereon he currently operates a gas station with a convenience store in 1 of the 2 existing buildings on the Property. Petitioner desires to operate a car wash out of the existing accessory building on the Property, which was previously used for a car wash approximately 5 years ago and prior to Petitioner's lease rights.
3. This matter came before the Munster Board of Zoning Appeals for Public Hearing on December 10, 2024. Petitioner appeared and presented proof of notice and publication as required by law. Petitioner presented testimony and evidence in support of the requested conditional use. The Public Hearing was opened. No remonstrances were heard. The Public Hearing was closed. By a vote of four (4) in favor, zero (0) opposed, zero (0) abstained, and one (1) absent, upon motion duly made and seconded, the Board of Zoning Appeals voted to table Petitioner's application for conditional use.
4. Petitioner appeared before the Munster Board of Zoning Appeals again on March 11, 2025, for further discussion and consideration of the requested conditional use. Based upon the testimony and evidence presented, upon motion duly made and seconded, by a vote of five (5) in favor, zero (0) opposed, zero (0) abstained, and zero (0) absent, the Town of Munster Board of Zoning Appeals voted to send a favorable recommendation, with a condition, to the Town Council as to Petitioner's application for conditional use. Specifically, the favorable recommendation was conditioned upon Petitioner adding an enhanced buffer on the west side of the Property line and/or along the west side of the traffic lane of the entrance to the accessory building/car wash.
5. In making such determinations, the Munster Board of Zoning Appeals now makes the following Findings of Fact, in accordance with Sec. 26-6.405.L.4.g. and Sec. 26-6.405.L.4.i.(ii.) of the Munster Zoning Code:
 - A. The requested use as a car wash is a Conditional Use ("CU") listed for the applicable Zoning District involved, CD-4.A., as required by 26-6.405.L.4.g.i. of the Munster Zoning Code.

- B. The requested use as a car wash will be harmonious with and in accordance with the general and specific intent, purposes and objectives of the Munster Code of Ordinances, as stated in Section 26-6.105 and the Town's Comprehensive Plan, and required by 26-6.405.L.4.g.ii. of the Munster Zoning Code.
- C. The requested use as a car wash will be designed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the same area, as required by Sec. 26-6.405.L.4.g.iii. of the Munster Zoning Code. (The accessory building is an existing structure on the Property so the requirement as to "construction" is not applicable.)
- D. The requested use as a car wash will not be hazardous or disturbing to existing neighboring uses, per Sec. 26-6.405.L.4.g.vi. of the Munster Zoning Code.
- E. The requested use as a car wash will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services, per Sec. 26-6.405.L.4.g.v. of the Munster Zoning Code.
- F. The requested use as a car wash will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community, per Sec. 26-6.405.L.4.g.vi. of the Munster Zoning Code.
- G. The requested use as a car wash will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors, per Sec. 26-6.405.L.4.g.vii. of the Munster Zoning Code.
- H. The requested use as a car wash will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares per Sec. 26-6.405.L.4.g.viii. of the Munster Zoning Code.
- I. The requested use as a car wash will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance, per Sec. 26-6.405.L.4.g.ix. of the Munster Zoning Code.
- J. The accessory building to be used for a car wash does not have an opening in any wall less than 15 feet from any property or street line, as required for a Motor-Vehicle Use per Sec. 26-6.405.L.4.i.ii.I. of the Munster Zoning Code.
- K. The accessory building and Property to be used for a car wash does not have an entrance closer than 200 feet from a school, library, place of worship, or other place of assembly, civic space, Civic Zone, fire station, or restaurant, or closer

than 1,200 feet from another Motor Vehicle-Related Use, except at intersections, as required for a Motor-Vehicle Use per Sec. 26-6.405.L.4.i.ii.II. of the Munster Zoning Code.

- L. The additional requirements for certain conditional uses set forth in Secs. 26-6.405.L.4.i.ii.III. through XII. of the Munster Zoning Code do not apply to Petitioner's requested conditional use for a car wash.
- M. The added condition requiring that an enhanced buffer be constructed on the west side of the Property line and/or along the west side of the traffic lane of the entrance to the accessory building/car wash will further promote the interest of the Town as set forth in Sec. 26-6.405.L.4.g. and Sec. 26-6.405.L.4.i.(ii.) of the Munster Zoning Code.
- N. The Property and the 2 existing buildings thereon legally existed as of the effective date of the current Munster Zoning Code. Thus, the lot and existing buildings are legal non-conforming and may continue their legal non-conforming status so long as the lot and/or buildings are not substantially modified, altered, or expanded resulting in an increase of the non-conformity, per Section 26-6.122 of the Munster Zoning Code.
- O. A Conditional Use is effective upon approval of the Munster Town Council and shall be valid regardless of change of ownership of the Property, providing that all conditions, requirements, and restrictions of the Conditional Use are met by the current and any subsequent owner or user. A Conditional Use approval shall terminate as a matter of law, with no action required by the Town, if the approved use of the Property lapses/ceases for more than 1 year, is changed to a higher or lower use, if a condition, requirement or condition of the conditional use is violated, or if the Property use or condition is in violation of federal law, state law, or the Munster Code of Ordinances, as amended from time to time.
- P. The Findings of the Munster Board of Zoning Appeals are based upon and in accordance with the Munster Code of Ordinances and Indiana state statutes, and shall not be construed or interpreted to be a determination by the Munster Board of Zoning Appeals of compliance, or noncompliance, with covenants, restrictions, or limitations on the Property defined herein, if any; and,
- Q. Petitioner shall comply with all requirements of the Munster Municipal Code and Indiana state statutes relating to the applicable building permits, licensing/registration of contractors, inspections, etc. that are required for construction as permitted herein. Additionally, approval by the Munster Board of Zoning Appeals shall not be construed or interpreted as pre-approval or waiver of such requirements.

WHEREFORE, based upon the above evidence and Findings, the Munster Board of Zoning Appeals by a vote of five (5) in favor and zero (0) opposed, voted to send a favorable recommendation to the Town Council as to Petitioner's application for conditional use, conditioned upon Petitioner adding an enhanced buffer on the west side of the Property.

The Munster Board of Zoning Appeals took the above official action on March 11, 2025.
Findings of Fact approved on the 8th day of April 2025.

MUNSTER BOARD OF ZONING APPEALS

By: _____
Brad Hemingway, Chairman

ATTEST:

Sergio Carrera Mendoza, Executive Secretary