

MUNSTER BOARD OF ZONING APPEALS
MINUTES OF REGULAR BUSINESS MEETING
Meeting Date: March 11, 2025

The Board of Zoning Appeals held its regularly scheduled meeting on March 11, 2025, 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 6:00 pm

Members in Attendance:

Brad Hemingway
Jennifer Johns
Sharon Mayer
Ed Pilawski
Roland Raffin

Members Absent:

Staff Present:

Sergio Mendoza, Planning Director
Nicole Bennett, Town Attorney
Denise Core, Administrative Assistant

Oath of office: No action needed.

Election of Officers:

Chairman

Motion: Member Pilawski nominated Member Hemingway for Chairman.

Second: Member Mayer seconded the nomination.

Vote: Yes – 5 No – 0 Abstain – 0. Motion carried.

Vice Chair

Motion: Member Hemingway nominated Member Pilawski for Vice Chair.

Second: Member Mayer seconded the nomination.

Vote: Yes – 5 No – 0 Abstain – 0. Motion carried.

Approval of Minutes: December 10, 2024

Motion: Member Mayer moved to approve the December 11, 2024, minutes as presented.

Second: Member Pilawski seconded the motion.

Vote: Yes – 5 No – 0 Abstain – 0. Motion carried.

Preliminary Hearings:

Chairman Hemingway introduced BZA25-001 DEVELOPMENTAL STANDARDS VARIANCE- Marc Smith of E. Anthony Inc. on behalf of Orthopedic Specialists of Northwest Indiana (OSNI) requests variances from Table 26-6.405.Q-1 Private Lighting Types, Section 26-6.405.Q-2.b Pole Height, and Section 26-6.405.Q-3.c Illumination, Color Temperature of the Munster Zoning Code, Building and Lot Plans and Standards at 9900 Columbia Avenue.

Director Mendoza gave an overall briefing. He stated that this project was recommended by the Plan Commission to appear before the Board of Zoning Appeals. The Plan Commission approved the overall plan contingent upon the petitioner receiving several variances; one set of variances is from the lighting standards of our municipal code. They are looking to install an overhead lighting style that is not one of

the three allowed; our lighting codes require either a colonial, coach, or acorn style. They also request variances for pole height and the lighting color temperature. They are required as part of the Plan Commission's approval for the Site Plan to appear before the Board of Zoning Appeals requesting variances from those three sections.

Member Raffin stated that, over the past few weeks, he has been spending a lot of time driving past this property; he visits Hartsfield Village so he turns at this corner every single day, and most nights. He said this plan had changed from the addition that it was supposed to be and it became a totally different design. He asked why there was no landscaping down the parkway or in the front. Director Mendoza said they are operating under a temporary occupancy; he suspects that the reason landscaping has not been installed is because of the temperature or the weather. Member Raffin said he didn't have the landscape plan in front of him to see what is planned. Director Mendoza stated that they will have to comply with a plan that was approved by the Plan Commission; any variations would require them to return. Member Raffin asked for email copies of the landscaping and site plan that was approved by the Plan Commission and any variances that have been granted.

Chairman Hemingway asked if any representatives wanted to come to the podium and state their name and address and sign in.

Marc Smith of E. Anthony Incorporated of Tinley Park, Illinois, introduced himself. He stated that the site lighting they are proposing was part of the original package that was submitted and approved through the original plan when the buildings were going to be in 2 phases. He said they did not deviate from anything that was originally proposed; the height is 2 port base, 23-foot pole, and a standard industrial style light fixture, which is complementary to pretty much every business in the area, and similar to anything seen along Calumet Avenue for an industrial style project.

Member Meyer said she was looking at their photometric plan, She said the numbers that are represented on the plan can be met using lights that meet our code. Mr. Smith said he had previously mentioned that they didn't deviate from the original plan. Member Mayer asked why they are not complying with our code. Mr. Smith said he would argue that is why they are going for a variance today because everything in the area has an industrial look. He stated that the style they are being asked to comply with is an ornate style, something you would see in a downtown district, and it really doesn't fit this application. He said he understands the code but in an industrial district, they are just matching what is there. Member Raffin said he wouldn't call it an industrial district; it is really business district. Member Mayer suggested that, before the next meeting, the petitioner should think about the hardship or practical difficulties since that is one of the several things the board bases their decisions on. Mr. Smith said okay but they didn't deviate from anything that was originally approved. He said he understands the what the new code is but that is decorative lighting versus lighting that just fits the purpose of a typical parking lot.

Member Raffin said he didn't have a problem with the black lighting since they are so far off the street. He would like the owners to look at that property and that huge grass area. He said Hartsfield is across the street and has landscaping coming down. He stated that he thinks it will bring a lot more focus to their building curb appeal if they look at that front lot layer and landscape it. He said it would make the building look nicer. Mr. Smith said they will discuss that with the owner.

Member Johns asked if the same logic applies to the color temperature and the height of the lights and if this type of lighting requires that height and color temperature. Mr. Smith said it is 4,000 lumens and this

is actually a downlight; they actually just shine down and are more pronounced and more conducive to the lot. He said the decorative lights that the code shows have more of a pronounced orbit. Member Raffin stated for the record that he drives past in the nighttime and he did not notice any bleed over. Mr. Smith said this is a very typical style of lighting for this application.

Member Mayer asked if these pole lights have been already installed. Mr. Smith said they have. Member Mayer addressed Director Mendoza and asked what the applicant is referring to when he said it was already approved. Director Mendoza said Mr. Smith is referring to an approval that was submitted to the Plan Commission, not approved through the BZA. He added that there were variances granted by the BZA over a year ago but the request for lighting variances was not one of them. Member Mayer asked if he thought Mr. Smith was inferring that the Plan Commission approved the light fixtures. Director Mendoza said that is correct but that is not in the Plan Commission's purview to approve that.

Motion: Member Raffin moved to set BZA Docket No. 25-001 for a public hearing.

Second: Member Johns seconded the motion.

Vote: Yes –5 No – 0 Abstain – 0. Motion carried.

Chairman Hemingway confirmed approval for a public hearing for BZA 25-001 on April 8, 2025, and advised Mr. Smith to work with Director Mendoza to get the notifications taken care of.

Public Hearings:

Chairman Hemingway introduced BZA24-010 DEVELOPMENTAL STANDARD VARIANCE: Diana Garza with Doyle Signs for Jessica Entingh of BMO Harris Bank NA is requesting a Developmental Standards Variances from TABLE 26-6. 701. B SIGN TYPES. WALL SIGN Dimensions, Clearance for a new wall sign for BMO Harris Bank at 915 Ridge Road.

Director Mendoza gave an overview. He stated that this project appeared a few months ago with several variances requested. At that time, they were advised to reduce the number of variances requested and they now have only one request for height clearance. He stated that the current code requires a 7-foot clearance off of the wall; they are proposing a 6-foot clearance, so one foot less for a wall sign. The rest of the sign is compliant. Chairman Hemingway asked for questions from the Board. When there were none, he asked if there were representatives for BMO Harris.

Mr. John Streets said he was from Doyle Signs and is here on behalf of BMO, Munster. He said the staff has been wonderful to work with on this ; they worked hand in hand with them and their client to drastically change what they were proposing. He said last year when they came before this Board, they were proposing a reface the pylon sign and other signs in the package; they were using vinyl on the letters. He stated that in the new package before the Board today, they have minimized the number of variances that they are proposing. They are changing to direct apply where they direct colors on the faces so they are not using vinyl anymore. He stated they are not going with refacing the existing freestanding sign; they are now proposing a brand-new, code-compliant monument sign that doesn't have to go before this board but it is included in the package. They are moving the other set of letters that are on west elevation and proposing a brand-new set of letters on the front elevation. The only variance they're asking for is the required height from grade. He said BMO has a standard margin that they like around their sign. He said staff also agrees that it looks bad to have the sign right on top of the coping above the brickwork. He said the variance is requested to make this sign look great and the hardship of dealing with a 1-story building with that type of architecture. The request is to bring the sign down one foot so it so it clears those beautiful arches shown on the rendering, the rest is compliant with

everything Munster is asking for. He concluded by thanking the Board for their time and offered to answer any questions they had. Member Raffin said they only have 1 sign in the front and they are adding one wall, that's the only signage. Mr. Streets said that was correct, it is a very modest sign package. Member Raffin said it looks nice on both of them.

Chairman Hemingway opened the public hearing and asked if anyone else wanted to speak. There were no comments. He closed the public hearing.

Motion: Member Raffin moved to approve BZA Docket No. 24-010.

Second: Member Mayer seconded the motion.

Vote: Yes – 5 No – 0 Abstain – 0. Motion passed.

Continued Discussion :

Chairman Hemingway introduced BZA24-009 CONDITIONAL USE: Sukhwinder Singh Basra Owner of DP Petroleum, LLC requests a Conditional Use from Table 26-6.405.A-6 PRINCIPAL USE, Motor Vehicle-Related Uses Category for a Motor Vehicle Cleaning Facility (car wash) at the Marathon service station at 9451 Calumet Avenue.

Chairman Hemingway introduced this agenda item and noted that the Public Hearing on the petition was closed December 10, 2024.

Director Mendoza stated that the applicant appeared before the Board in December at a public hearing at which time it was closed. He said the request is to operate or continue using a car wash facility existing on the site that has been inoperable for several years. They are now looking to reopen that car wash as a Conditional Use. He said at the December meeting, the applicant indicated that there are future plans, and the Board members requested that he share those future plans of expansion, particularly the commercial area. The applicant has now presented. Chairman Hemingway asked if there were any questions from the Board. There were no questions, he called upon the petitioners.

Mr. Nick Mirabella introduced himself. He stated he was with the property owners, Good Oil Company located in Winamac, Indiana; the head office is at 1201 N. US Highway 35. He said he was happy to answer any questions about this future project and the car wash project, as well.

Member Raffin asked about the timeline for the future project. Mr. Mirabella said they are going over some budget numbers, but the future project has already been approved internally and they are on the contractor's clock right now. He said the contractor is Chester and they are working on that timetable to get it started. Member Raffin asked if that means they are 6 months out or a year out. Mr. Mirabella said they hope to start in the next 2 to 3 months. He said it already took them long enough to get the exterior work that they wanted to get completed there. He pointed out that this is a new regime, they have a new operator, Sukhwinder Basra (Dickie), who has been running the gas station for them for 2 years. He said they know there were some issues with the exterior and property maintenance with the previous operator, but Mr. Basra has that fully under control now. He said they feel like they need to place the investment into the exterior of the property, but not just with environmental pumps. He stated that all the underground lining and electric has been redone, and the parking lot has been replaced. There was a total investment of \$1.2 million from Good Oil to put that in. He said he knows Munster is making the investment on the outside their property, across the street and around, and maintaining all the landscaping and roads around them and they want to keep up. He said they have future plans for the

next school year with Munster Schools to do a spirit pump. They are going to designate one pump that the community can use to fill up at that pump and there will be a donation from Good Oil towards the Munster school system. He said everybody will know what pump it is because it will have Munster Mustangs wrapped all around it. He said that would probably have to be approved since they can't show any signage there now.

Member Raffin said he has been to this business and the property is so much better than it had been in the past due to the commitment of the new owner, and obviously, through Good Oil. He said this is a very busy intersection with Centennial Village, the hospital development, and everything else going on; the last thing we need is an eyesore. Mr. Mirabella said it is working for them, too, their volume has increased significantly. He stated that after remodel inside, they have plans to do some custom advertisements with the food program they are going to run there; they are not 100% sure on what that is going to be yet but there will be some advertisements. You can order from the pump, that is coming, too. Member Raffin gave his opinion that the car wash has been there a long time, and it adds value to their property. If they keep the business nice in the area and it doesn't fall into disarray, it is not hurting the community.

Member Mayer said there was a discussion at the December meeting about a buffer zone and she thought more information had been requested. She said it was not the architectural work inside the store but the buffer zone around the parking. Mr. Mirabella said it was not yet decided whether they were going to do something like a half wall to surround the line of cars to keep that from being an eyesore, or if they would do some type of plant wall, or kind of like a push wall going all around it. He stated they are willing to abide by whatever the town needs for that. They understand what they are trying to do and they have no problem doing it. In answer to Member Mayer's question, he said they had not provided the board with updated plans for that yet.

Mr. Sukhwinder Basra, the applicant and operator of the Good Oil property under DP Petroleum, said there is a retention pond there and he doesn't want to disturb the pond with some kind of wall. He said if they can put some kind of a landscaping wall, that would be more appreciated by the customer and would look better around the community. Member Raffin said the plans show 9 cars stacking there but he doesn't think they will ever have 9 cars stacked there. Mr. Basra said this side of the property just has a parking lot; they are not facing a residential house. Member Mayer asked Director Mendoza the purpose of the buffer. Director Mendoza said the buffer zone is to screen any parking for automobiles onto a public right away. It is an enhanced buffer, however, as part of the conditions for conditional use, it does require 5-foot screening. It is required in order to meet the conditions of a conditional use within the zoning code. Member Mayer asked if this is something that can be removed. Director Mendoza said that is why this request is before the BZA, because they are looking to vary from those conditions. Ms. Mayer clarified that if the Board members agree, they can remove the screening requirement. She asked if that was the only thing. Director Mendoza said they are proposing not to install a 5-foot screen as required in the conditions and that is was the only reason that has attributed to their presence here. Member Mayer reiterated that in order for him to meet the requirements for the conditional use, he would have to have a buffer zone so they would need to make a decision on that correct. Member Raffin asked the definition of a 5-foot screen, whether it is a fence or a landscape patch. Director Mendoza said it is a fence. Member Mayer asked if the area in question was only the pink, highlighted area. Director Mendoza explained that it is the area surrounding the conditional use including the drive aisle. Member Mayer said the wall would have to go along the curb.

Mr. Sukhwinder Singh Basra introduced himself and said the parking is far away from this area. He said they could eliminate 2 parking spots where the cars come out, if needed.

Member Mayer made a motion to forward a favorable recommendation to the Town Council for BZA Docket No. 24-009, to approve the Conditional Use without the buffer zone wall, however, she wanted to make sure they were still required to landscape. Director Mendoza cited the code requiring the 5-foot screen fence. A discussion took place regarding areas to be landscaped, acceptable plant materials, the existing electrical wires, the space available for plantings based on the trees already in place, one of which died, was removed, and would be replaced in the spring, and the possible encroachment into other landscaping areas.

Chairman Hemingway asked Member Mayer if she wanted to amend her motion. Member Mayer said she didn't think a 5-foot fence or a wall were necessary. Member Raffin asked Director Mendoza if they could work with staff to make sure it is heavily landscaped. He added that a 5-foot hedge would look silly on the property. Member Johns said it is a very tight area for landscaping and they might be able to landscape other areas instead of the required area. Director Mendoza said they can work with a landscape designer. Member Raffin asked if the tree canopy could count as the screen. Director Mendoza said the requirement for the screen is 5 foot minimum.

Member Raffin asked Attorney Bennett about the Conditional Use. If granted, would the Conditional Use stay with the property. Attorney Bennett answered that as long as the Conditional Use was maintained, it would stay in effect. If the Conditional use were to be abandoned, they would have to make a new request for the Conditional Use and staff would monitor maintenance.

Motion: Member Mayer made a motion to forward a favorable recommendation to the Town Council for BZA Docket No. 24-009, to approve the Conditional Use waiving the requirement for a 5-foot screen.

Second: Member Johns seconded the motion.

Vote: Yes – 5 No – 0 Abstain – 0. Motion carried.

Findings of Fact:

Chairman Hemingway introduced the Finding of Facts for BZA24-011 DEVELOPMENTAL STANDARDS VARIANCE: Jeanne Armando of MRV Architects received Developmental Plan approval for signs and lighting with conditions at 7949 Calumet Avenue.

Motion: Member Mayer moved to approve the Findings of Fact for BZA Docket No. 24-011

Second: Member Pilawski

Vote: Yes – 5 No – 0 Abstain – 0. Motion carried.

Other Business:

Director Mendoza introduced the 2025 BZA Meeting Schedule noting that the meeting start time has changed from 6:45 pm in previous years to 6:00 pm for 2025. He added that the Board members had been sent a copy of this schedule in January. Chairman Hemingway requested a correction to the posted agenda to reflect the correct schedule year as 2025, not 2024.

Next Meeting: Chairman Hemingway announced the next regular business meeting will be held on April 8, 2025.

Adjournment:

Motion: Member Pilawski motioned to adjourn.

Second: Member Raffin seconded the motion.

Vote: Yes – 5 No – 0 Abstain – 0. Motion carried.

Meeting adjourned at 6:39 pm

Chairman Brad Hemingway
Board of Zoning Appeals

Date of Approval

Executive Secretary Sergio Mendoza
Board of Zoning Appeals

Date of Approval