

MUNSTER BOARD OF ZONING APPEALS
MINUTES OF REGULAR BUSINESS MEETING
Meeting Date: December 10, 2024

The Board of Zoning Appeals meeting was held its regularly scheduled meeting on December 10, 2024, at Munster Town Hall, 1005 Ridge Road in the Main meeting room and also online via Zoom, a video conference application.

Call to Order: Chairman Raffin called the meeting to order at 6:56 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 (Zoom & Phone)

Chairman Raffin noted they have a quorum.

Approval of Minutes:

Motion: Vice Chairman Hemingway motioned to accept the November 12, 2024, minutes.

Second: Board Member Pilawski

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

Preliminary Hearings: None

Public Hearings:

Chairman Raffin introduced BZA Docket No.24-009 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.

Ms. Barclay summarized the petition by referencing the following, which is an excerpt from the staff report.

Good Oil Company Inc. is the owner of the property located at 9451 Calumet Avenue. The site contains two buildings: a Marathon gas station and convenience store with an attached automobile service center and a 965 square foot accessory building that was formerly used as a car wash, but most recently as an alignment bay for the automobile service center. The gas station and convenience store are operational, but the service center and accessory building have not been in use for over four years. The applicant is proposing to remove the vehicle lifts and other equipment from the accessory building and to reuse it as a car wash. The subject property received variances in 2013 from the parking lot fencing requirements, landscape, irrigation requirements, and internal landscaping requirements of the Munster Zoning Ordinance. The accessory building does not meet the minimum setback requirements of

the CD-4.A district. An application has been submitted for a variance which still must be obtained if conditional use is approved by the Town Council.

The Conditional Use criteria from Sec. 26-6.405.L.g of the Munster Municipal Code states that no conditional use shall be granted by the Board of Zoning Appeals unless the conditional use:

- i. It is in fact a Conditional Use ("CU") listed for the applicable Zoning District involved.
- ii. It will be harmonious with and in accordance with the general and specific intent, purposes and objectives of this Article as stated in Section 26-6.105 and the Town's Comprehensive Plan.
- iii. It will be designed, constructed, 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.
- iv. It will not be hazardous or disturbing to existing neighboring uses.
- v. It 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.
- vi. It 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.
- vii. It 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.
- viii. It will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- ix. It will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

A car wash is classified as a Motor Vehicle Shop Maintenance / Repair / Service / Cleaning use in the Munster Zoning Ordinance, which Table 26-6.405.A-6 identifies as a Conditional Use in the CD-4.A district and therefore subject to the following additional criteria.

1. No Gasoline Station, Motor Vehicle Sales, Rental, or Leasing, Motor Vehicle Storage, Motor Vehicle, Motor Vehicle Body Shop, Maintenance, Repair, Service, or Cleaning, or other Motor Vehicle-Related Uses shall have an opening in any Wall less than 15 feet from any property or street line.
2. No Gasoline Station, Motor Vehicle Sales, Rental, or Leasing, Motor Vehicle Storage, Motor Vehicle, Motor Vehicle Body Shop, Maintenance, Repair, Service, or Cleaning, or other Motor Vehicle-Related Use shall 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 Gasoline Station, Motor Vehicle Sale, and other Motor Vehicle-Related Use, except at intersections.
3. Whenever a Motor Vehicle-Related Use is Adjacent to a Residential District, a Screen at least five feet (5') in height shall be constructed and maintained along the full length of the sides of the Adjacent side of the Motor Vehicle-Related Use, and whenever lighting is used in connection with Motor Vehicle-Related Use, it shall be so designed that no glare is visible from any Adjacent CD-3, CD-3.R1, CD-3. R2, CD-3.R3, CD-4.R4, CD-4.A or CD-4.B Districts, any Civic Zone, or any public thoroughfare.

Staff finds that the proposed carwash use is listed as a Conditional Use and once was an

existing use with no known violations of SECTION 26-6.105 or objectives of the Town's Comprehensive Plan. The accessory structure has previously operated as an accessory use maintaining the same characteristics of the area around the existing neighborhood. The accessory use has been adequately served by public facilities and has access to public streets with no impact on a school or cause of public expense. At this time there is no known production of excessive traffic, noise, smoke, fumes, glare or odors and there is no evidence of loss, or damage of a natural, scenic, or historic features. In addition, staff finds the existing accessory structure previously used and proposed carwash use is less than 15 feet from any property or street line. Also, the Motor Vehicle Use entrance is not closer than 200 feet from a School, Library, Place of Worship, or other Place of Assembly, Civic Space, Civic Zone, Fire Station, or Restaurant. However, it is closer than 1,200 feet from a gasoline station, which is on the same lot. Finally, the Motor Vehicle-Related Use is not adjacent to a Residential District but it is within proximity of a residential district along the east property line and should this interest advance, staff would recommend the que area for the car wash be screened per TABLE 26-6.405.A-6 DISTRICT STANDARDS where Parking Lots and Parking Areas at Frontage in 1st or 2nd Lot Layer be screened by a 3'-3.5' Wall or Enhanced Hedge.

Ms. Barclay concluded by stating that the Board of Zoning Appeals may consider the following motion:
Forward to the Town Council a favorable recommendation for BZA 24-009 CONDITIONAL USE for a car wash at 9451 Calumet Avenue with the condition that the car wash be located in the existing
- accessory building as an accessory use and that an enhanced buffer screen be installed along the stacking area fronting the Residential District.

Chairman Raffin asked Ms. Barclay why staff had changed their opinion on this project since the last time it had been brought up.

Ms. Barclay stated her understanding of the current policy which is, whenever possible, we try to bring properties into compliance and this is something that would work by buffering that property with very little hardship on the owner.

Chairman Raffin asked why staff had not considered consolidating the curb cuts; there are 2 curb cuts right next to each other on Calumet Avenue, right by a main intersection.

Ms. Barclay stated that she was not sure what conversation happened at the Site Review.

Board Member Mayer asked Ms. Barclay to describe the buffer that is being recommended.

Ms. Barclay stated that, there is an existing neighborhood so landscaping would go there since it is less than 15 feet from the property line; as well as some of the parking area. A diagram is on page 12.

Chairman Raffin and Board Member Mayer asked for more detail on the drawings that would show what is existing and what is proposed. They asked for clarification on the motion recommended by staff, whether it was a wall or a hedge.

Ms. Barclay stated that the code calls for either a wall or a hedge; the Board could make their preference a condition of approval.

Chairman Raffin asked if anyone wished to speak on behalf of the petition.

Mr. Sukhwinder Basra of 9451 Calumet Avenue, Munster, introduced himself as the owner of DP Petroleum. He stated that he is leasing the property from Good Oil and is trying to reopen the car wash.

Chairman Raffin asked if Mr. Basra if he has the authority to speak on behalf of Good Oil, the landowner. Mr. Bahra answered that he has; he is operating the business and leasing the business from them.

Chairman Raffin asked Attorney Wickland what happens when this owner who is leasing the property currently decides to leave the business; would a Conditional Use leave with this tenant or would it remain with the property into perpetuity.

Attorney Wickland stated that would depend on the lease and what that lease provides as well as any conditions that the Board imposes.

Mr. Basra stated that he plans to stay a very long time. He said came in the year 2022, which was after the previous Good Oil petition and denial.

Board Member Mayer asked if, when he signed the lease, was he aware he could not open the car wash. Mr. Basra said he did know that. He stated that since he came, he has made many improvements there which has included some parking changes.

Board Member Mayer asked if there is a picture of the parking changes. Mr. Basra said he did not have drawing but he described the changes to the Board and confirmed for Board Member Mayer that the parking lot had been restriped but not for the stacking. That would be done properly later.

Board Member Mayer asked if all the lighting shown was operational. Mr. Basra confirmed that it is and they can add additional landscaping if needed to block the light from the residential area.

Chairman Raffin asked what they are using the repair garage for now.

Mr. Basra said nothing right now but he is working with Chester Inc., a construction company out of Valparaiso, to turn the entire building into a convenience store and will include a space for the public to sit and have a cup of coffee.

Chairman Raffin said it would have been a good idea to package the entire property as a development plan and include the store with the car wash.

Mr. Basra said they are doing it step by step but he could have plans made for it all if necessary.

Chairman Raffin asked about the 2 curb cuts, noting that the changes to the business will be increasing traffic on Calumet with possibly 2 people coming out onto Calumet at the same time, most businesses in the area have one on each side not right next to each other.

Mr. Basra said customers come in one, pump their gas, and leave through the other one. He said it would affect his business if they had to change the curb cuts since it is really a tight spot; people turning around would cause chaos.

Board Member Mayer stated that she recalled that the reason for the Town Council's denial of the original car wash petition was based on their displeasure with Good Oil's upkeep of the property.

Mr. Basra stated that he has made many improvements to the property and the building according to the code. Good Oil has invested in new pumps and believes in him so they are getting a long-term lease.

Chairman Raffin said he would like to see the lease terms as well as the master plan for the site.

Chairman Raffin opened the public hearing. He asked if anyone would like to speak. There were no comments. He closed the public hearing.

Chairman Raffin stated his recommendation that this petition be continued until next month. He wants Mr. Basra to meet with staff to nail down the exact details of the buffer zone, including drawings, to show the intent of the buffering of the car wash and its use from the neighbors. He would also like him to review the lease with staff to make sure the proper agreements are in place as they relate to the conditional. He concluded by stating that he would like to see the overall plan for the site including the car wash, the store and the traffic plan. He said Mr. Basra's contractor should have drawings and specifications that can be presented to the staff for review of the entire site including the expansion of the garage into a store. They would like to consider all of this at once and any parking changes that will be needed.

Motion: Board Member Mayer motioned to table BZA Docket No. 24-009, the petitioner should provide additional information and plans including the lease, sketches and drawings of the plan for the buffer and the car wash stacking, and information on the proposed change of use from the garage into a convenience store.

Second: Board Member Pilawski

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

Chairman Raffin introduced BZA Docket No. 24-010 DEVELOPMENTAL STANDARDS VARIANCE: Diana Garza of Doyle Signs is requesting variance(s) from SECTION 26-6.701(B) (5) t. to allow for an existing cabinet sign; TABLE 26-6. 701. B SIGN TYPES, MONUMENT SIGN, Dimensions and Additional Standards to replace the copy of an existing BMO Harris Bank monument sign; and from TABLE 26-6. 701. B SIGN TYPES, WALL SIGN, Dimensions and Additional Standards for one new BMO Bank wall sign at 915 Ridge Road.

Ms. Barclay stated that the staff recommendation is to defer this petition since the Public Notice requirements have not been met.

Motion: Vice Chairman Hemingway motioned to defer BZA Docket No. 24-010.

Second: Board Member Mayer

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

Chairman Raffin introduced BZA Docket No. 24-011 DEVELOPMENTAL STANDARDS VARIANCE: Jeanne Armando of MRV Architects, Inc. for Daniel McGue of Shamrock TBC, Inc. for Taco Bell is requesting DEVELOPMENTAL STANDARDS VARIANCES from SECTION 26-6.701(B) (5) t.; also TABLE 26-6. 701. B SIGN TYPES, MONUMENT SIGN, and WALL SIGN; as well as TABLE 26-6. 405. Q. PRIVATE LIGHTING STANDARDS for a new parking lot light pole, new wall signs, and change of copy to an existing monument sign for Taco Bell at 7949 Calumet Avenue.

Ms. Barclay summarized the petition by referencing the following, which is an excerpt from the staff report.

7949 Calumet Avenue is part of the Calumet Munster Shopping Center Subdivision Lot 5. The lot houses a 1,940-sf Taco Bell with associated parking, drive-thru and dumpster enclosure. The building was constructed in 1992. Site signage includes a freestanding sign with a cabinet face and split face masonry block base and wall signs located on the north and south side of the building. At the September 10, 2024, Plan Commission the applicant received Development Plan approval for site reconfiguration as well as to resurface the exterior of the building to fit with new corporate brand standards. Improvements included:

1. The removal of the clay tile roof and building up the parapet walls to cover the roof top equipment.
 2. New exterior finish of thin brick applied over the entire building.
 3. New brand image signage will be installed at the entrance along Calumet Avenue; however, signage is not part of this approval.
 4. The interior of the building will receive new finishes in the dining room and restrooms.
 5. The kitchen will have some equipment relocated to achieve a better and more productive workflow.
 6. The drive-thru is being reconfigured as well as parking to alleviate congestion. New drive-thru speaker, post entrance and clearance bar.
 7. New directional signs were added to the site to help customers navigate to the drive-thru.
- The owner is requesting that signage be updated to match ongoing investment.

The variances requested are as follows:

a. Monument Sign:

The applicant is requesting to utilize an existing cabinet sign that is legal non-conforming. Since the proposed changes do not bring the sign into compliance with standards a variance must be received to bring the sign fully into compliance.

Section 26-6.701(B) (5) c. and t. Sign Standards General Provisions

(c) The following materials are prohibited for Sign Backgrounds, Frames, Supports, and Ornamentation:

i. exposed metal poles and ii. smooth or split-faced concrete blocks

(t) Except as may be expressly permitted in this Article, Neon Signs, Cabinet Signs, and Projection Signs are not permitted.

Table 26-6.701(B) Monument Sign Specific Standards

Dimensions

1. Area (Max): 18-sf | *Proposed 32.76-sf*
2. Height (Max): 6-ft including base | *Proposed in excess of 6-ft*
3. Letter height (Max): 12-inches | *Proposed unknown*

Additional Standards

4. (d.) Materials: shall have a Sign face made of authentic brick, stone, or solid metal or wood, with lettering, logo or branding made of solid metal or channel lettering | *Proposed Sign face is polycarbonate with vinyl digital print.*

b. Wall Signs:

The applicant is requesting new wall signs on 3: one on the north façade (drive aisle), one on the south façade (drive aisle), and one on the west façade facing Calumet Avenue. Only the west façade sign is permitted per code along the primary façade of the building.

Table 26-6. 701. B Wall Sign Specific Standards

Dimensions

1. Quantity (Max): 1 per Façade – the building has 1 Façade (west) | *Proposed two (2) additional signs (north & south sides of the building)*
2. Area: 1.5-sf per linear ft of Façade or business Frontage (53-ft x 1.5) = 79.5-sf allowance for west wall sign *Proposed north and west sign area: 33.5-sf; Proposed south sign area: 45.3-sf ; Total sign area proposed: 112.3- sf*
3. Additional Standards, Sign Size, Overall Height (Max): 36-inches | *Proposed north and west wall sign height: 54.75-inches; Proposed south wall sign height: 64-inches*

Additional Standards

4. (d.) vinyl may not be used to create any design | *Proposed swinging bell, both 36-inches and 42-inches, purple logo signs – materials unknown*

Outstanding items for applicant to address:

- Material of the face/design on the 36-inches and 42-inches swinging bell, purple logo wall signs.

a. Lighting plan:

The applicant is requesting one lighting pole that exceeds the maximum height and that does not comply with the light head type. The maximum height is 20' and the applicant is proposing 22.5' and the proposed head type is Cobra which does not conform to the town Colonial, Coach, or Acorn, to match two pre-existing pole lights heights and head type.

Staff review finds that the additional lighting to match existing headlight type and height will be consistent with the overall development of the site. In addition, staff finds that the north and south wall signage may prove to be necessary to maintain consistency with historic wall sign location along the drive aisle. Staff review finds the same sign on the north wall is not necessary to maintain consistency with historic wall sign locations. Finally, staff supports the monument sign maintain its legal non-conformity so long the nonconformity is not further brought out of compliance and recommends all signs comply with the wall and monument sign standards material and bulk regulations.

Ms. Barclay concluded by stating that The Board of Zoning Appeals may consider the following motions:

Motion to approve the light pole height and head type; motion to approve the monument sign with the condition that changeable copy complies with the sign material outlined in the character-based zoning code; motion to approve the north and south wall sign with the condition that they comply with the character-based zoning code; motion to deny the west wall sign for BZA 24-011, including all discussion and findings.

Chairman Raffin asked why staff is not recommending compliance to the sign code.

Ms. Barclay said he would need to ask Director Mendoza but she does not see the hardship.

Chairman Raffin asked if there was any to speak on behalf of the petitioner.

Jeanne Armando of MRV Architects, 5105 Tollview Drive in Rolling Meadows, Illinois, 60008, introduced herself and stated that the north and south side signs are not allowed by Munster code, signs are not allowed on the north and south sides. The sign on the west side is allowed but there is not one there currently.

Chairman Raffin asked why signs were put up that are not compliant.

Ms. Armando stated that the signs on the north and south signs existed, they were there prior to the before the renovation. Chairman Raffin stated that they were legal, non-conforming then. Board Member Mayer asked if they had been removed and put back up. Ms. Armando explained that they had to be removed from the building for the renovation and the work on the parapet. She said they are standard non-conforming. They were allowed by staff to put them back up as is but they would like to reface them.

Chairman Raffin asked Ms. Armando to explain the other variances.

Ms. Armando said the there is a new site light that has been added to the north parking lot side. She said there were no lights on that side and it was very, very dark and it can be confusing. They have done their best to help alleviate the confusion through the parking light with navigation and signs. They reconfigured the drive-through lane and put in some curbs so people would not enter that way. The only way into the drive-through lane now is by coming from the north and around the building. They need a light there since it is very hard to see. There is parking on both the north and south sides of the building, if patrons park on the north side, they have to cross the drive-through lane so that new light is needed for safety reasons. She stated that the monument sign exists, they would like to reface it in the same location and in the same size.

Chairman Raffin asked Ms. Armando what the hardship is, what prevents them from complying with the code.

Ms. Armando said part of it is the material for the new signage, it is not brand standard. She said she has never seen a Taco Bell sign, or anything on Calumet Avenue, that has stone or brick per code. She said it is also cost prohibitive; they did an extensive remodel, they put a lot of money in that remodel and Taco Bell has been in the community for a long time. She concluded by saying that they are trying to minimize some of the costs. They had some extra costs with additional landscaping and other measures needed to comply in other areas. There was a lot added to the remodeling so they were hoping to keep the signage that they had and keep the monument that they have and put a new face on them.

Chairman Raffin said he was looking at some pictures of Taco Bell restaurants in Hinsdale and Lake Forest and he sees only sign on them. He added that they also appear to have architectural standards that are higher than ours. He stated that this is a highly visible entrance to our town and it should look nice.

Board Member Mayer pointed out that they never had a sign on the west elevation; they want to keep the sign on the north and south sides and now they want to add a sign on the west.

Ms. Armando said the sign code only allows a sign on the west side, that is on the front of the building facing the (west) frontage. She said they are on a corner and at the entrance to the shopping center, which is at the south of their building and another frontage road. The north side faces another entrance.

They want as much signage as allowed. In answer to questions by Board Member Mayer and Chairman Raffin on what they would do if denied the variances, she said she would have to confer with the client but she assumed that they would have to put a sign on the west since that is the town code.

Chairman Raffin said his preference is for compliance with the code which the town put a lot of time and effort into, and what represents the image they have of the town. He cited examples of businesses that have complied with the code and the understated image they present.

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

Board Member Mayer made a motion to approve the monument sign as requested, deny the sign on the west elevation, and approve the light head, light pole change as presented. Raffin asked Board Member Mayer if her motion would include making sure the copy on the legal, non-conforming Taco Bell monument sign meets our standards for all copy and materials. Board Member Mayer said it would. Raffin said that means they cannot put a lexon piece or bright lights in there; it has to meet the standards for what goes inside a sign cabinet regarding copy, lettering, and materials.

Ms. Armando confirmed that they can use the existing cabinet sign as long as they comply with the code within.

Chairman Raffin said the motion was to not approve the west sign, to approve the monument sign based on meeting all current sign standards inside that existing cabinet and to approve the lighting standards that would meet with the current standards of our lighting ordinance for the 3 poles.

Board Member Mayer said there is a variance on the table for the light head since it will not meet our standard.

Chairman Raffin said the variance was for granting the 3rd pole because they did not have a 3rd pole, the light head has to meet our lighting standard. Board Member Mayer said okay.

Ms. Armando asked for clarification. She stated there will be no sign on the west but asked if they can they replace the signs on the north and south sides since those are old signs. Chairman Raffin stated they can replace the north and south signs as long as they meet the sign standards without getting a variance; they have to meet the copy, the length, the height, and the materials.

Motion: Board Member Mayer made the following motions on BZA Docket No. 24-011:

1. Approve the monument sign variance for the monument cabinet. The sign standards must be adhered to within the cabinet in all regards to specifically include copy, lettering, size, materials, and lighting standards.
2. Deny the west frontage wall sign. The north and south side signs can remain. The north and south side signs can be replaced according to our current sign standards with respect to copy, lettering, size, and materials.
3. Approve the 3rd light pole; the light head must comply with our lighting standards.

Second: Board Member Pilawski

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

Chairman Raffin asked Ms. Armando to work with staff to make sure all requirements are met.

Next Meeting: Chairman Raffin announced the next regular business meeting will be held on January 14, 2024.

Adjournment:

Motion: Board Member Mayer motioned to adjourn.

Second: Board Member Pilawski

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

Meeting adjourned at 7:45 pm.



Chairman Roland Raffin
Board of Zoning Appeals



Date of Approval



Executive Secretary Sergio Mendoza
Board of Zoning Appeals



Date of Approval

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