MUNSTER BOARD OF ZONING APPEALS
MINUTES OF REGULAR BUSINESS MEETING
Meeting Date: August 9, 2016
Date of Approval: _____

Call to Order: A regular business meeting of the Munster Board of Zoning Appeals, was held in Munster Town Hall, Munster, Indiana on August 9, 2016. The meeting convened at 7:00 pm, Vice Chairman Sharon Mayer presiding, and Beth Miller, secretary.

Pledge of Allegiance

Members in Attendance:
Daniel Buksa
Stuart Friedman
Sharon Mayer
Chairman Jonathan Petersen

Staff Present:
David Wickland *(Attorney)*
Dustin Anderson *(Town Manager)*
Beth Miller (*Executive Secretary)*

Others Present:
Joseph Simonetto *(Town Council Liaison)*

Members Absent:
Craig Hendrix *(Town Engineer)*
Roland Raffin

Approval of Minutes:

Motion: Mr. Buksa moved to approve minutes as presented from July 12, 2016 meeting of the Munster Board of Zoning Appeals.
Second: Mr. Raffin seconded the motion.
Vote: Yea—4 Nay—0 Abstain—0
Resolved: Minutes from the Regular Meeting on July 12, 2016 were approved with no modifications.

Preliminary Hearings:

a. None.

Public Hearings:

a. Petition BZA 16-002 – Ben Mollin, 1515 Ridge Road – requesting variance to erect a fence in the front yard to enclose the front stoop.

The Petitioner, Gae Mollin, was present. The Petitioner stated that the fence has been brought up to code. The proposed gate will be made of the same material. The Petitoners have applied many safety features to their doors but would still like to have the gate.

The Board does not feel that this fence is for decorative purposes.

Resolved: Dies for lack of motion.

b. Petition BZA 16-006— Dunkin Donuts, 10415 Calumet Avenue – requesting a variance for a Special Use Permit for a drive-thru use.

Mr. Scott Yhane was present to represent the petitioners. Mr. Yhane stated that they are aware that the submission is lacking. Since the Public Hearing notices were already sent out and there is public present to speak, the Petitioners request to still have their Public Hearing. They are only asking for the Special Use Permit for the drive-thru use.

Mr. Friedman does not believe that there should be a drive-thru use along Calumet Avenue as he does not believe that there is enough stacking provided. The Petitioners expect this store to alleviate the traffic issues at the other location on Calumet Avenue. The Commission requested the Petitioner provide a count that comes through during the morning rush.

Mr. Wickland stated that the public notice and greencards are in order.

Chairman Petersen opened the Public Hearing.

Mr. Thomas Schab, 810 Boxwood Drive, believes that this site should not materially affect its neighboring sites. The backyards are very close to this property and he believes that there will be health concerns and noise from the idling cars. Mr. Schab has safety concerns with the egress onto Calumet Avenue. Mr. Schab is not in favor of this development. The association currently has a fence but the proposed lighting would also be a nuisance.

Ms. Marie Dempsey, 822 Boxwood Drive, was aware of the zoning when she purchased the property but feels that the Petitioner is trying to change the rules to serve themselves. She believes that this development is too close to her home and that this business will bring down her homes value.

Ms. Pat Kisch, 1626 Morning Dove Drive, co-owner of the lot in question. She does not understand why it is taking so long to make decisions on this property. Ms. Kisch stated that they adjacent property owners knew that the property was zoned commercial when they purchased their homes. The residents built a berm and fence on her property. The AMACO line which runs diagonally through the site, makes it very hard to place a building anywhere else on the site.

Ms. Frita Anderson, 830 Boxwood Drive, stated that her home is located the closest to the site. She stated that if this business built on this site, she would not be able to live there. She would have to move and sell her home at a loss because she believes this business will lower her homes value.

Ms. Mary, 862 Boxwood, believes that their backyards will be noisy. She said that it is already impossible to turn out of the Cobblestones entrance onto Calumet Avenue and believes that this business will generate a high number of cars.

Ms. Cindy Baker, 810 Boxwood Drive, uses the Calumet Avenue entrance and it is impossible to turn left. There are already a lot of accidents at the Cobblestones entrance and the increased traffic will make this worse. She is an original home owner and was originally told that a funeral home would occupy the site.

Mr. Tom Burns, 8415 Calumet Avenue, co-owner of the lot in question. He believes that it is unfair to deny the existing curb cut. Mr. Burns also stated that this site is zoned commercial, so no matter what comes in will have traffic.

Chairman Petersen closed the Public Hearing.

If stacking cars blocked the ADA access, would that effect the validity of the parking? Easements with pipeline and stormwater run diagonally at a 60 foot width through the site.

Discussion was held by the Commission.

Motion: Mr. Friedman moved to continue and to allow the reopening of the Public Hearing at the Chair's discretion.
Second: Mr. Buksa seconded the motion.
Vote: Yea—4 Nay—0 Abstain—0
Resolved: Motion carries.

c. **Petition BZA 16-007**—ARA Dialysis, 10010 Donald Powers Drive, c/o NWI Medical Realty, LLC, 9201 Calumet Ave, – requesting variances to front and rear planting strips, rear yard width, and parking requirements.

Mr. Brian McMorrow was present to represent the Petitioner. The Petitioner has provided the reduced parking as asked. The Petitioner is willing to substitute the requested plant species. The need for parking is far less that what is required by the ordinance, the real demand is 72 spaces and 95 spaces are being proposed. The Commission asked what happens when the proposed business moves out. The Petitioner has provided "banked parking" but that they believe that any business that moves in would not need it.

The Petitioners have provided the winter view as requested. The required 100 foot planting strip along Calumet Avenue was proposed at 16 feet. The minimum rear yard setback of 80 feet was proposed to be 21 feet. The rear planting strip of a required 15 feet is proposed at 2.5 feet. The building setback from Calumet Avenue is proposed at 78 feet.

The Petitioner believes that they have provided quality building materials and plant materials.

Mr. Wickland stated that the public notices are in order.

Chairman Petersen opened the Public Hearing. After announcing the open public hearing three times with no public comment, the Public Hearing was closed.

The Board thanked the Petitioner for their willingness to tinker with the design and accommodate the requests of the Board. The Petitioner has worked extensively with the Plan Commission and the Town of Munster Staff.

Mrs. Mayer would like to know if the greenspace can be increased. The Petitioner stated that it could be expanded and parking can be "banked" for future need.

Motion: Mr. Buksa moved to approve as presented addressing parking of 85 spaces with 10 banked spaces.
Second: Mr. Friedman seconded the motion.
Vote: Yea—4 Nay—0 Abstain—0
Resolved: Motion carries.

Findings of Fact:

a. **Petition BZA 16-004** – Basil Herbeck, 8950 W. Delaware – requesting a side yard variance for a car port.

Motion: Mr. Buksa moved to approve as presented.
Second: Mr. Friedman seconded the motion.
Vote: Yea—3 Nay—0 Abstain—1 (Petersen)
Resolved: Motion carries.

Old Business:

a. **None.**

Additional Items for Discussion:

a. **None.**

Next Meeting: Chairman Petersen announced that the next regular business meeting will be September 13, 2016 at 7:00 pm.

Adjournment:

Motion: Mr. Buksa moved to adjourn the meeting.
Second: Mrs. Mayer seconded the motion.
Vote: Yea—4 Nay—0 Abstain—0
Resolved: Motion carries.
Meeting adjourned at 8:45 pm.

_____ _____
Executive Secretary Beth Miller Date of Approval
Munster Board of Zoning Appeals

_____ _____
Chairman Jonathan Petersen Date of Approval
Munster Board of Zoning Appeals