

**MUNSTER BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
TUESDAY, AUGUST 28, 2007, 7:00 P.M.**

Call meeting to order - The meeting was called to order at approximately 7:00 p.m. by Joseph Simonetto, Chairman of the Board of Zoning Appeals.

<u>Roll call</u> -	<u>Members present:</u> William Baker Joseph Simonetto Richard Lasky Stuart Friedman Sharon Mayer	<u>Members absent:</u>	<u>Staff present:</u> Steve Kennedy James Mandon
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Approval of Minutes – Mr. Baker pointed out that a statement attributed to him under Petition 07-009 was made by Mrs. Mayer. He also requested that clarifying language be added to the Petition 07-007 paragraph concerning the use of the north internal curb cut. Mrs. Mayer made a motion to approve the meeting minutes of July 24, 2007 as amended. The motion was seconded by Mr. Friedman, and then approved by unanimous vote of the members present.

Public Hearings –

Petition 07-009- Jeremy Heabelin, representing Van Bruggen Signs, Inc. explained the request for a developmental standards variance for additional wall signs for a proposed Fifth Third Bank located on the North East corner of Calumet and Broadmoor on property zoned SC, Shopping Center. Mr. Simonetto asked the petitioner to explain his statement that the monument sign will not serve the function of the requested signage in the variance petition. He responded that the signs are for traffic inside the Target parking lot and north in order to identify the building as the bank and the monument would be blocked from view by the building. Mr. Lasky pointed out that the actual size of the requested signage is smaller if you measure only the logo itself. Mrs. Mayer asked if the bank was going to install a sign panel on the combined shopping center sign, to which the petitioner said no. Mr. Kennedy stated that the public hearing notification requirements had been satisfied. Mr. Simonetto opened the public hearing, and since no member of the public wished to speak on this petition, Mr. Simonetto then closed the public hearing. Mrs. Mayer made a motion, seconded by Mr. Baker, to approve this petition. The motion was approved by unanimous vote of the members present.

Petition 07-010 Richard Anderson and John McGregor, representing GB Indiana 2, LLC, stated that they are requesting a Special Use for a drive-thru pharmacy for CVS on the North East corner of Calumet and Main on property zoned C1 Commercial. Mrs. Mayer asked questions about the amount of stacking provided and expected. Mr. Anderson said the expected volume is 3 vehicles per hour, so stacking was sufficient. Mr. Baker asked if the drive-thru would be adversely influenced by the location of the garbage enclosure, to which the petitioner replied no. Mr. Mandon said the staff team preferred the proposed garbage enclosure location. Mr. Friedman asked if the store would be open 24-hours per day, to which the petitioner said not at this time, but at some point in the future it might. Mr. Kennedy stated that the public hearing notification requirements had been satisfied. Mr. Simonetto opened the public hearing, and since no member of the public wished to speak on this petition, Mr. Simonetto then closed the public hearing. Mr. Baker made a motion, seconded by Mr. Friedman, to favorably recommend this petition to the Town Council. The motion was approved by unanimous vote of the members present.

Petition 07-011 Richard Anderson and John McGregor, representing GB Indiana 2, LLC, stated that they are requesting a Developmental Standards Variance for additional signs for CVS on the North East

corner of Calumet and Main on property zoned C1 Commercial. Mr. Anderson said that in response to comments from BZA members at the last meeting that the request seemed excessive, the petitioner reduced the request to a more reasonable size and number. Mr. Simonetto asked if the packet information reflected the reduced request, to which Mr. Anderson said no. He then went on to describe each change. Mr. Anderson then responded to Mr. Simonetto request that the petitioner justify the LED portion of the monument sign made at the previous meeting. Mr. Anderson indicated that facilities which have LEDs produce 15 to 150% higher sales. He went on to say that LEDs require less energy, and that traffic studies have shown that they have no negative impact on traffic safety. Mr. Anderson then said that there was case law which argued that the denial of an LED sign was a violation of 1st and 14th Amendment rights. Mr. Friedman took issue with this statement. Mr. Kennedy stated that the public hearing notification requirements had been satisfied. Mr. Simonetto opened the public hearing. Chuck Kreitzel said that the requested signs seemed too large and bright. Roland Raffin, 10230 Windsor Place, said he was against the variance because the added signs would result in light pollution, sign pollution, and that sign standards in Illinois communities are much tougher than what is being requested. Since no additional members of the public wished to speak on this petition, Mr. Simonetto then closed the public hearing. Mrs. Mayer made a motion, seconded by Mr. Friedman, to table this petition to the September 25 meeting. The motion was approved by unanimous vote of the members present.

Findings of Fact-

Mr. Friedman made a motion, seconded by Mrs. Mayer, to approve the following Findings of Fact. The motion was approved by unanimous vote of the members present.

Petition 07-007 – John Alerin, representing the Architects Partnership LTD, request for a Special Use for a bank drive thru for the northeast corner of Calumet and Broadmoor on property zoned C1 Commercial.

Petition 07-006- Mr. Kevin Heggi, request for a height variance for a garage located at 2142 N. Delaware Parkway on property zoned R2.

Petition 07-005 – Lake County Public Library request for a Developmental Standards Variance to the front set back, located at 8701 Calumet Avenue, on property zoned R-2.

Petition 07-04 – Café Borgia, request for a special use to permit outdoor dining, located at 10118 Calumet Avenue, on property zoned C1.

Petition 07-03 – American Family Insurance request for a variance to place a sign on an existing pole, located at 8142 Calumet Avenue, on property zoned C1.

Adjournment - The meeting was adjourned by Mr. Simonetto at approximately 7:35 p.m.

Joseph A. Simonetto, Chairperson, Munster Board of Zoning Appeals

Date