

**MUNSTER BOARD OF ZONING APPEALS**  
**MINUTES OF REGULAR BUSINESS MEETING**

Meeting Date: September 10, 2019

Date of Approval: \_\_\_\_\_

**Call to Order:** A regular business meeting of the Munster Board of Zoning Appeals was held in the Munster Town Hall, Munster, Indiana on September 10, 2019. The meeting convened at 7:00 pm, Chairman Petersen presiding and Tom Vander Woude, secretary.

**Pledge of Allegiance**

**Members in Attendance:**

Jonathan Petersen, Chairman  
Daniel Buksa  
Stuart Friedman  
Roland Raffin  
Dave Nellans, Council Liaison

**Members Absent:**

Sharon Mayer

**Staff Present:**

David Wickland, Attorney  
Tom Vander Woude, Planning  
Director

**Approval of Minutes:**

**Motion:** Mr. Buksa moved to approve the minutes for the regular business meeting of the Munster Board of Zoning Appeals of August 13, 2019.

**Second:** Mr. Raffin seconded the motion.

**Discussion:** None.

**Vote:** Yea – 4 Nay – 0 Abstain – 0.

**Resolved:** Motion carries.

**Preliminary Hearings**

- a. None.

**Public Hearings**

- a. **BZA Docket No. 19-006 Ted Vinyard requesting a developmental standards variance from Section 26-1302 of the Munster Land Development Code to waive the requirement to install and maintain landscaping for a remodeling project at 830 Ridge Road at a cost that exceeds \$10,000.00.**

Mr. Vander Woude presented his staff report for Docket No.19-006. He stated that the property owner Ted Vinyard is proposing to remodel the building and reconfigure the drive-through at the Dairy Queen restaurant at 830 Ridge Road. He stated that a preliminary was held in August in which members of the BZA asked the applicant to verify that the drive-through turning radii and lane widths were sufficient. In response, the designer ran an auto-turn analysis and is now proposing to widen the drive-through lane near the menu board and at the north end of the exit lane.

Vander Woude stated the project cost is approximately \$450,000 which exceeds the \$10,000.00 trigger to install landscaping, the petitioner has requested developmental standards variances from Section 26-

1303 (2) of the Munster Land Development Code to waive the requirement to install a seven-foot wide perimeter landscaped area along the east, west, and south perimeter of the property at 830 Ridge Road and from Section 26-1303 (3) and to install less than 7.5% internal landscaped area and fewer trees. He stated that the property was developed prior to the current landscaping ordinance and cannot comply with it, without removing parking spaces or reducing the size of the building.

Mr. Ted Vinyard introduced himself as the owner of the Dairy Queen. He stated that they are remodeling the Dairy Queen into a Grill and Chill concept, which has a full menu. He noted that they are increasing the landscaping in front of the building by the sidewalk and around the menu board. He stated that they are enhancing all of the existing landscape areas. They are installing two new trees. He stated they are adding two new temporary parking spaces within the drive aisle where drive through customers can wait for their orders. Mr. Raffin asked for the staff perspective on the parking spaces. Mr. Vander Woude stated that as a general rule, staff does not encourage vehicles and parking in front of buildings, and he is concerned about pedestrian safety. Mr. Raffin asked Mr. Vinyard how do you guarantee that no one will park in the walking area. Mr. Vinyard stated that the employees of Dairy Queen can monitor it. Mr. Friedman stated that to Mr. Vinyard that you are representing that your staff will ask people to leave if they are parking in the sidewalk area. Mr. Friedman asked Mr. Wickland if they can include that as a condition. Mr. Wickland stated that they could. Mr. Nellans asked whether there will be a vertical sign designating the spaces as waiting spaces only and where the vehicles are supposed to stop. Mr. Vinyard said no. Mr. Nellans stated that they are suggesting that they do so. Mr. Vinyard stated that they will install those signs. Mr. Raffin asked whether the business signs are compliant. Mr. Vander Woude stated that they comply with the exception that the DQ logo sign is a few feet to large and they need to provide clarification about the type of materials. Vander Woude said that they will need to submit a separate sign permit and they will have to comply at that time. Mr. Raffin asked if they're asking for any variances for the signs. Vander Woude said they are not.

Mr. Petersen asked Mr. Wickland whether the proofs of publication were in order. He confirmed that they were. Mr. Petersen opened the public hearing. No comments were received. Mr. Petersen closed the public hearing.

Mr. Buksa stated that the BZA has granted variances in the past for redevelopment projects that cannot comply with the landscaping code without reducing necessary parking.

**Motion:** Mr. Buksa moved to approve BZA Docket No. 19-006 granting Ted Vinyard developmental standards variances from Section 26-1302 to permit reduced internal landscaped area, reduced internal parking lot trees, and no perimeter landscaping along the east, west, and south sides of the property at 831 Ridge Road in accordance with the attached plans, upon the following conditions:

1. Signage is installed at the two temporary parking spaces indicating that they are for pick up only.
2. The property owner commits to preventing vehicles from encroaching on the sidewalk that passes through the drive through lane.

**Second:** Mr. Friedman seconded the motion.

**Discussion:** Mr. Vinyard asked if they will lose their variance if a vehicle parks on the sidewalk only once. Mr. Wickland stated that they would be entitled to due process.

**Vote:** Yea – 4 Nay – 0 Abstain – 0.

**Resolved:** Motion carries.

## **Findings of Fact**

**a. None.**

**Next Meeting:** Chairman Petersen announced that the next regular business meeting will be October 8, 2019 at 7:00 p.m.

**Adjournment:**

**Motion:** Mr. Buksa moved to adjourn the meeting.

**Second:** Mr. Friedman seconded the motion.

**Motion carries viva voce.**

Meeting adjourned at 7:23 p.m.

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Chairman Jonathan Petersen  
Board of Zoning Appeals

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Date of Approval

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Executive Secretary Thomas Vander Woude  
Board of Zoning Appeals

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Date of Approval