**MUNSTER BOARD OF ZONING APPEALS**

MINUTES OF REGULAR BUSINESS MEETING

Meeting Date: December 8, 2020

The announced meeting location was Munster Town Hall. In accordance with the Governor's Executive Orders 20-09 and subsequent orders related to the COVID-19 pandemic placing restrictions on the number of people allowed to gather in one location, some members attended the meeting remotely via Zoom, a video conferencing application.

**Call to Order:** 6:45 pm

**Pledge of Allegiance**

**Members in Attendance:**

Roland Raffin, President (via Zoom)

Daniel Buksa

Stuart Friedman (via Zoom)

Sharon Mayer (via Zoom)

Jonathan Petersen (via Zoom)

**Members Absent:**

**Staff Present:**

Tom Vander Woude, Planning Director

Dave Wickland, Attorney

**Approval of Minutes:**

**Motion:** Mr. Buksa moved to approve the minutes of the November 10, 2020 meeting.

**Second:** Mr. Friedman.

**Vote:** Approved viva voce.

**Preliminary Hearings**

1. **BZA Docket No. 20-015 Humane Indiana requesting approval of a variance to permit a window sign that exceeds the 25% maximum area of a window and exceeds the maximum number of window signs at 421 45th Street.**

Mr. Vander Woude presented his staff report. He reported that the subject property is located at the 421 45th St. He said that the applicant installed a cut vinyl window sign without a permit and was notified of the violation by the code enforcement officer. He said that the applicant then applied for a permit but was denied because the area of the signs exceeded the maximum area for a window sign, which is 25% of the glass onto which it is applied and because they exceeded the number of signs; the maximum is one; they are proposing two signs. Mr. Vander Woude said they are asking for variances to keep the signs as installed. He said the reason they have these restrictions on window signs is to eliminate visual clutter and to provide transparency for building fronts to give life to the streets. He said that a wall sign could be installed on the building, but because the entry is all glass the applicant could not comply with the material standards. He said that the vinyl sign does not conform to the size standards for a wall sign – which limit the height to 3 feet. He said that the Humane Society removed a monument sign at the time that the window sign was installed.

Mr. Raffin asked whether they could install a wall sign. Mr. Vander Woude said that they could but because the area above the entry is glass, it would not be able to completely comply. Mr. Raffin said that the current code went into effect after the building was constructed. Ms. Mayer asked how the size of the installed sign compared to the permitted size of a wall sign. Mr. Vander Woude said that the overall area would comply, but the five-foot height of the sign would exceed the standard for a wall sign which is three feet. Mr. Friedman asked if they were claiming a hardship. Mr. Raffin said that the glass entry way and the design of the window mullions cannot be changed and prevents them from complying. Ms. Mayer said that the sign could have been made shorter and wider to comply with the code. Mr. Friedman asked why they would have installed without a permit. Mr. Vander Woude said that vinyl window stickers are occasionally not understood to be signs and businesses have installed them without permits. Mr. Friedman said that they have denied sign variance requests in the past so he would caution that they should grant the variance based on a hardship not simply because the sign has already been installed. Ms. Mayer said that even if a wall sign was installed, it wouldn’t comply because it’s required to be in the middle of the building over the entry and they would require a different variance. Mr. Raffin said that would be true and it would not be as aesthetically pleasing. Ms. Mayer agreed. Mr. Vander Woude said that the only compliant sign would be a very small window sign.

Mr. Brian Fitzpatrick introduced himself as the CEO of Humane Indiana. He said that when they remodeled the shelter in January, they had planned to upgrade the monument sign, but because they had changed their name, they could not update that sign, without complying with the new regulations. He said the cost to do that exceeded their resources, so they removed the sign and installed the logo on the glass, not knowing about the 25%. He said it had not occurred to him that decals were considered a sign and he didn’t get a permit.

**Motion:** Mr. Buksa moved to set the petition for public hearing at the January meeting.

**Second:** Mr. Petersen.

**Discussion**: None.

**Vote:** Yes – 5 No – 0 Abstain – 0. Motion carries.

**Public Hearings**

1. **BZA 20-012.Superior Ave.475. BCORE Corridor Chicago LLC represented by Kimley-Horn requesting approval of developmental standards variances from Table 26-6.405.A-7 of the Munster zoning ordinance to expand a driveway beyond the maximum permitted width, to permit off-street parking in the first lot layer, to permit off-street loading in the first lot layer, and to waive the required screening for loading areas and from Table 26-6.405.O-3 to waive the minimum dimensions for a parking area.**

Mr. Vander Woude presented his staff report. He stated that a public hearing was held last month. He said the applicant is seeking to widen the driveway on the subject property. Mr. Petersen asked Mr. Vander Woude to confirm that the petitioner had submitted a letter requesting that the project be continued to next month. Mr. Vander Woude said that a letter had been submitted stating that GE had made some adjustments to their pickup and delivery schedule to off-peak hours, which was the request of the board, and that they would like to delay any action by the board until they have seen the effects.

**Motion:** Mr. Petersen moved to table the petition to the January meeting.

**Second:** Ms. Mayer.

**Discussion**: Mr. Raffin said that GE is using the employee parking lot for truck storage right now and he suggested that they widen the driveway further or add more storage on the southwest corner of the property. He said that there are additional measures that can be taken. Mr. Nate Groff of Kimley-Horn said he represents the applicant. He said that his client thinks they will have results by the January meeting. He said that they have looked at different ways to lay out the site and widen the driveway even more, but the main hang up is that it will not be an efficient location since it will line up with the loading docks. Mr. Raffin asked whether GE had an agreement with the Town to park trailers on the property to the west of their building. Mr. Vander Woude said that a portion of the property is owned by GE. He said he’s not aware of any agreement to park trailers, but there is an easement on the GE property that allows the Town to access the pump station on its property.

**Vote:** Yes – 5 No – 0 Abstain – 0. Motion carries.

**Findings of Fact**

1. **None.**

**Additional Business/Items for Discussion**

1. **None.**

**Adjournment:**

**Motion:** Mr. Petersen moved to adjourn.

**Second:** Mr. Buksa.

**Vote:** Viva voce. Motion carries.

Meeting adjourned at 7:15 p.m.

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Chairman Roland Raffin Date of Approval

Board of Zoning Appeals

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Executive Secretary Thomas Vander Woude Date of Approval

Board of Zoning Appeals