MUNSTER BOARD OF ZONING APPEALS
MINUTES OF REGULAR BUSINESS MEETING
Meeting Date: February 9, 2021

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:	**Members Absent:**	**Staff Present:**
Daniel Buksa		Tom Vander Woude, Planning Director
Stuart Friedman (via Zoom)		Dave Wickland, Attorney
Sharon Mayer (via Zoom)		
Jonathan Petersen (via Zoom)		

Approval of Minutes:

Motion: Mr. Buksa moved to approve the minutes of the January 12, 2021 meeting.
Second: Mr. Friedman.
Vote: Approved viva voce.

Preliminary Hearings

a. **None.**

Public Hearings

a. **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 in November and December and January for the applicant to revise plans and modify operations. He said that since the January meeting, the Munster Police Department contacted GE Appliance and GE arranged to move empty trailers to an off-site storage yard in Lansing Illinois. Mr. Vander Woude said that the plans are unchanged since November and still require multiple variances. He said that GE is making a number of changes requested by the Plan Commission, but they are constrained by the size of their property from making any additional physical improvements beyond what they are proposing. He said that the representatives from GE believe that the proposal will improve fluidity and reduce the congestion at their yard. He said that the opinion of staff is that they should be granted the requested variances so that they are given the opportunity to make improvements and solve the truck stacking problems. He

said that the Town is attempting to solve the problem through the Police Department and Town Manager's office in addition to the driveway modifications.

Mr. Jonathan Gocke of GE Appliances said that last week the poor weather caused a backup and resulted in significant congestion. He said that he coordinated with the Munster PD and Dustin Anderson and secured a 1-acre lot in Lansing, Illinois for storage and hired two full-time spotters to drive empty trailers to that lot. He said they are investing in the property to alleviate the problem. He said on March 8, they are going to relocate 16% of the business out of Munster to Louisville, which is the entire state of Michigan's delivery business, 4-500 customers. He said beginning March 2nd they will staff their first full time weekend shift so they can move some appointments from other days of the week. He said they notified the carriers and put it into their electric tenders that idling on the street is prohibited and they will be ticketed and they gave them several truck stops as alternative waiting areas. He said they are also in the process of securing another 1 acre lot in Lansing. He said they still feel that the driveway expansion is needed and will help with the flow in and out of the building.

Mr. Friedman opened the public hearing. Mr. John Manta stated that he is the Vice-President of BMWC Constructors at 420 Superior Avenue in Munster across the street from the GE facility. He said that GE has been a good neighbor but with the increased truck traffic someone from their office is calling the police every week if not every day because of the safety hazards on Superior. He said that tonight when he left the office there were half a dozen trucks parked in the cul-de-sac, ten or twelve parked along Superior; he said with the snow it has been especially treacherous. He said that the trucks parked on either side of the Franciscan hospital driveway are dangerous; he has seen a car nearly get hit by a semi when it pulled out of the driveway. He said they have called GE multiple times and it hasn't improved. He said several trucks have backed into their property; one damaged their flagpole and GE will not pay to fix it. He said that they are going to install a gate at their own cost. GE's response has been that the truck drivers are independent and not their responsibility. He said the gravel lot at the end of Superior has not made a difference. He said that drivers are working on their trucks and now there are many many oil spots on the street in front of their property. He said they are in favor permitting GE to expand their driveway, but there has to be some contingency that stops them from bringing more trucks in. He said they are very concerned.

Mr. Gocke said that he was up there last week and once the offsite lot was secured, he noticed that it appeared to be better. He said the nonresponse to issues is something he had not heard about and he would speak to the onsite manager and tell him to pass those on to headquarters. He said he thinks the actions they are taking will help cut down on the traffic.

Mr. Manta said that he is thankful to the Munster Police Department. Mr. Friedman closed the public hearing.

Ms. Mayer asked Mr. Wickland whether they could make a motion contingent upon them keeping their offsite lots and not abandon them. Mr. Wickland said they can attach conditions, but the question is how to police conditions. Mr. Vander Woude said that it can be difficult to require that GE maintain those lots, because he didn't know what the recourse would be. He said that the actions that GE has taken are connected to the variance, but they are independent. He said that the variance is an important piece and that they are moving toward solving the problem and that if the problem reoccurs, they can address it through the Police Department and Town Administration. Mr. Friedman asked whether the number of trucks has decreased over the last few weeks. Mr. Vander Woude said that as of

last week the problem was intense, but since then, the Police Department and Town Manager have worked with GE to implement the additional measures listed by Mr. Gocke. Mr. Friedman asked whether the variance could be suspended ten weeks from now if the problem was still there. Mr. Wickland said that it would be difficult to do so, they would have to take action to shut them down. He said the problem is difficult because it includes property in Illinois which the Town does not have jurisdiction over. Mr. Wickland said that the variance should make things better than they were before. Mr. Friedman asked what recourse the Board had if they completed all the steps outlined, but the problem remained. Mr. Wickland said that they would have difficulty doing anything unless there are conditions listed in the variance. Ms. Mayer asked for the length of the lease for the lot in Lansing. Mr. Gocke said they have a one-year lease and would continue it if needed going forward. Ms. Mayer asked how long they would be shipping to Michigan out of Louisville. Mr. Gocke said that is long term with no plan to move it back to Munster. Mr. Buksa asked Mr. Wickland if it would be permissible to add a condition that GE provide to the board a report on the condition of truck traffic on Superior Avenue which would verified by the Town of Munster. Mr. Friedman suggested that the report should show a reduction of a certain percentage of truck traffic which would show objective criteria whether they are in compliance with the condition. Ms. Mayer asked whether they had a daily report with that information. Mr. Gocke said he did. Mr. Vander Woude said that he agrees that its important to hold GE accountable for truck traffic, but he doesn't think a condition on the variance is the best way to do so. He said the board should consider whether the applicant has met the burden of showing that they have a practical difficulty in complying with the zoning ordinance and determine whether the granting of the variance will cause additional harm for their neighbors. He said he doesn't think this variance will make things worse for their neighbors, but it could make them better. He said that the Town has other ways to address the adverse impacts which would be better than requiring GE to submit a report in perpetuity. Mr. Friedman asked whether there was anything they could do. Mr. Wickland said that the Town may be able to charge them with a public nuisance. Mr. Vander Woude said that the most effective way of addressing the current problem is for the BZA to approve the variances; if GE withdrew their request, there would be no improvements made. Ms. Mayer asked whether GE has ever been cited as a public nuisance. Mr. Wickland said he did not believe they had. Ms. Mayer said that she believes that it is the time to impose conditions. Mr. Buksa asked whether the board had authority to request that the Town take a specific action. Mr. Wickland said they could. Ms. Mayer asked whether they should include in the motion a maximum number of trucks lined up on the road. Mr. Friedman suggested that the number of trucks should not exceed 5. Mr. Petersen said that he is uncomfortable with elaborate conditions imposed on variances; in the past they have imposed conditions that have not been met. He said that GE should get the problem under control and then come back and request the variance; he said that until he feels comfortable that they are doing things that are right, he is not going to vote for this variance, with or without conditions.

Motion: Mr. Petersen moved to continue the petition to give the petitioner the opportunity to consider the comments they have made and return with a demonstration that they are capable of managing their facility in such a way that does not cause problems for the Town of Munster.
Ms. Mayer suggested that GE provide a report on truck traffic for their review at the next meeting. Mr. Petersen amended his motion accordingly.
Second: Ms. Mayer.
Discussion: None.
Vote: Yes – 4 No – 0 Abstain – 0. Motion carries.

Findings of Fact

a. **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.**

Motion: Mr. Buksa moved to approve findings of fact for BZA Docket No. 20-015 as presented.
Second: Mr. Petersen.
Discussion: None.
Vote: Yes – 4 No – 0 Abstain – 0. Motion carries.

Additional Business/Items for Discussion

a. **None.**

Adjournment:
Motion: Mr. Petersen moved to adjourn.
Second: Mr. Buksa.
Vote: Viva voce. Motion carries.

Meeting adjourned at 7:34 p.m.

_____ _____
Chairman Roland Raffin Date of Approval
Board of Zoning Appeals

_____ _____
Executive Secretary Thomas Vander Woude Date of Approval
Board of Zoning Appeals