



BOARD OF ZONING APPEALS STAFF REPORT

To: Members of the Board of Zoning Appeals

From: Tom Vander Woude, Planning Director

Meeting Date: February 8, 2022

Agenda Item: BZA Docket No. 22-001

Hearing: **PRELIMINARY HEARING**

Summary: Brian McShane of 45th Street Properties LLC requesting approval of variances from Munster Zoning Ordinance Sections 26-6.701.B.5.o, 26-6.701.B.5.c, 26-6.701.B.5.cc, and 26-6.701.C.2 and Table 26-6.701.B to install entrance door signage and directional signage both that exceed the maximum permitted area and do not comply with sign material standards.

Applicant: Brian McShane of 45th Street Properties LLC

Property Address: 8005 Calumet Avenue

Current Zoning: CD-4.A General Urban A Character District

Adjacent Zoning:
North: CD-4.A
South: CN Railroad
East: CD-4.A
West: CD-4.A

Action Requested: Schedule Public Hearing

Additional Actions Required: Public Hearing
Findings of Fact

Staff Recommendation: **Schedule public hearing**

Attachments: BZA 22-001 variance application
Map and photos of signage prepared by applicant

BACKGROUND

Brian McShane of 45th Street Properties LLC is seeking variances from the sign standards of the Munster zoning ordinance to permit additional signage to be installed at the property at 1830 45th Street. The applicant has stated that the signage is required to guide the customers of the Hi Tec Self Storage facility to the rear entrance and to designate the rear garage and entry doors.



Figure 1: Subject property outlined in red.

Mr. McShane is proposing the following signs (the numbers correspond to the attached exhibit provided by the applicant):

- Sign 1 – 2'x4' u-channel post-mounted directional sign near the northeast corner of the main building
- Sign 2 – 2'x4' u-channel post-mounted directional sign near the southwest entrance to the parking lot

- Sign 3 – 3'x6' u-channel post-mounted directional sign near the southeast corner of the paved area
- Sign 4 – 4'x8' wall sign at the east garage door
- Sign 5 – 4'x8' wall sign at the west garage door
- Sign 6 – 3'x6' directional sign attached to a chain link fence at the rear of the building

The signs have already been installed on the site without a permit.

In 2018, the property owner received Plan Commission approval for a program of signs for the Pavilion on 45th plaza in order to receive approval for a larger sign at Hi-Tec Self Storage. The program of signs was approved, and the Hi-Tec Self Storage sign was subsequently approved and installed. The one condition that they placed on the other signs within the plaza, in exchange for the larger Hi-Tec Self Storage sign, is as follows: The signs shall be channel letter wall signs constructed of materials and illuminated in a manner that is compliant with the Munster Sign Ordinance in place at the time of permit application.

Staff does not believe this program of signs applies to the proposed signs because they fall under separate provisions in the code that permits additional signs under certain circumstances:

For the signs near the back door:

Section 26-6.701.B.5.o

o. A non-internally illuminated Sign up to six (6) square feet in size for the occupant shall be permitted at a publicly accessed entrance door if such Sign is a Wall Sign, Blade Sign, or is an Awning Sign.

For the directional signs:

Section 26-6.701.C.2

C. Signs Not Requiring a Sign Permit. *The following Signs do not require a Sign Permit:*

...

2. On-premises Signs not exceeding four (4) square feet in area, which are located along the route to a place or location within such premises and are provided solely to protect the safety of pedestrians, drivers, and passengers, including Signs to mark hazards on private property, direct traffic, or provide street numbers associated with private property.

DISCUSSION

The variances being requested in connection with this project are as follows.

Code Section	Standard	Permitted	Proposed
Section 26-6.701.B.5.o	General Sign Provisions – rear entrance door sign	Maximum Area 6 square feet	2 signs, each 32 square feet

Section 26-6.701.C.2	<i>Signs Not Requiring a Sign Permit – directional signs</i>	Maximum Area 6 square feet	4 signs total: 2 at 8 square feet, 2 at 18 square feet
Section 26-6.701.B.5.c	General Sign Provisions	The following materials are prohibited for Sign backgrounds, frames, supports, and ornamentation: i. Exposed metal poles	3 directional signs mounted on steel u channel posts
Section 26-6.701.B.5.cc	General Sign Provisions	No Sign may be attached to or mounted on a pole, other than a Yard Sign	3 directional signs mounted on steel u channel posts
Table 26-6.701.B	Material	Flat cut out acrylic, pvc, metal, wood or like material; or routed etched on wood or like material; or static neon	2 signs Vinyl on aluminum panels
Table 26-6.701.B	Additional Standards	d.Vinyl may not be used to create any design.	2 signs Vinyl on aluminum panels

VARIANCE STANDARDS

The variance process is established to provide relief to a property owner when, due to unique circumstances, compliance with the zoning code imposes a hardship or practical difficulty on a property owner. The BZA is under no obligation to grant a variance. It is the petitioner's responsibility to prove a hardship or practical difficulty. The BZA should ask the petition to address the criteria listed below.

Sec. 26-6.804.I of the Munster Zoning Code states that the basis for a variance is as follows:

g. General Standards.

A Variance may be granted only if the Decision-Making Authority has made the following determinations for such Variance:

- i. the practical difficulties or unnecessary hardships that would be incurred by strict application of the Use or Development standard, as applicable, are unique and not shared by all properties in the vicinity and are not self-imposed;
- ii. such Variance is the minimum Variance that will relieve such practical difficulties or unnecessary hardships, as applicable;
- iii. such Variance is in the spirit of the general purposes and intent of this Article as stated in Division 1; and

- iv. such Variance is so designed as to provide reasonable consideration to, among other things, the character of the neighborhood, District, or Civic Zone, the conservation of property values in the vicinity, and the guidance of Development in accordance with the Comprehensive Plan.

h. Specific to Development standards Variances:

A Variance from Development Standards may be approved or approved with conditions only if:

- i. it will not be injurious to the public health, safety, morals, and general welfare of the community;
- ii. the use and value of the area Adjacent to the property included in the Variance will not be affected in a substantially adverse manner; and
- iii. the strict application of the Development standards will result in practical difficulties in the use of the property.

The applicant has addressed these criteria in the attached application.

RECOMMENDATION

The Board of Zoning Appeals may wish to consider the following motion:

Motion to schedule a public hearing for BZA Docket No. 22-001.



PBZA 22-001
Petition BZA _____
Date: 1/24/22
Application Fee: \$ 450.00
Sign Fee: \$ _____

Town of Munster Board of Zoning Appeals Petition Application

OWNER INFORMATION:

BRIAN MCSHANE
Name of Owner
219-746-8475
Phone Number
9747 WILDFLOWER LN, MUNSTER, IN 46321
Street address, City, ST, ZIP Code
bhmcshane1@gmail.com
Email address

APPLICANT OR PETITIONER INFORMATION (if different than above):

Name of Applicant/Petitioner

Phone Number

Street address, City, ST, ZIP Code

Email address

PROPERTY INFORMATION:

HITEC SELF STORAGE LLC
Business or Development Name (if applicable)
1834.45th ST, MUNSTER, IN 46321
Address of Property or Legal Description
PUD
Current Zoning

APPLICATION INFORMATION:

Please select what this Application is for:

- ☒ Variance If yes, select one of the following: ☐ Use ☒ Developmental Standards
☐ Conditional Use
☐ Administrative Appeal

Brief Description of Project and List of Variances or Conditional Uses Being Requested (if applicable):

TO INFORM THE PUBLIC ON THE PROPERTY WHERE TO GO TO FIND
THE ENTRANCE TO THE HITEC SELF STORAGE GARAGE DOORS FOR CONVENIENT
ACCESS TO THEIR UNITS.

THE VARIANCE IS FOR LARGER SIGNS ON THE WALLS SO AS TO BE SEEN FROM
300 FEET AT ENTRANCE TO THE PROPERTY. ALSO FOR DIRECTIONAL SIGNS
AT THE EAST ENTRANCE TO GUIDE CUSTOMERS TO THE GARAGE DOORS.

Name of Registered Engineer, Architect or Land Surveyor

Phone Number

Street address, City, ST, ZIP Code

Email address

DEVELOPMENTAL VARIANCE CONDITIONS OF APPROVAL

The Munster Board of Zoning Appeals is authorized to hear petitions for developmental standards variances and to approve or deny. The Board of Zoning Appeals may also impose reasonable conditions and restrictions. Indiana Code 36-7-4-918.5 lists the legal criteria for a developmental standards variance:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Explain why this statement is true in this case:

THESE SIGNS ARE TO HELP THE PUBLIC LOCATE
ENTRANCES TO THE BUSINESS.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. Explain why this statement is true in this case:

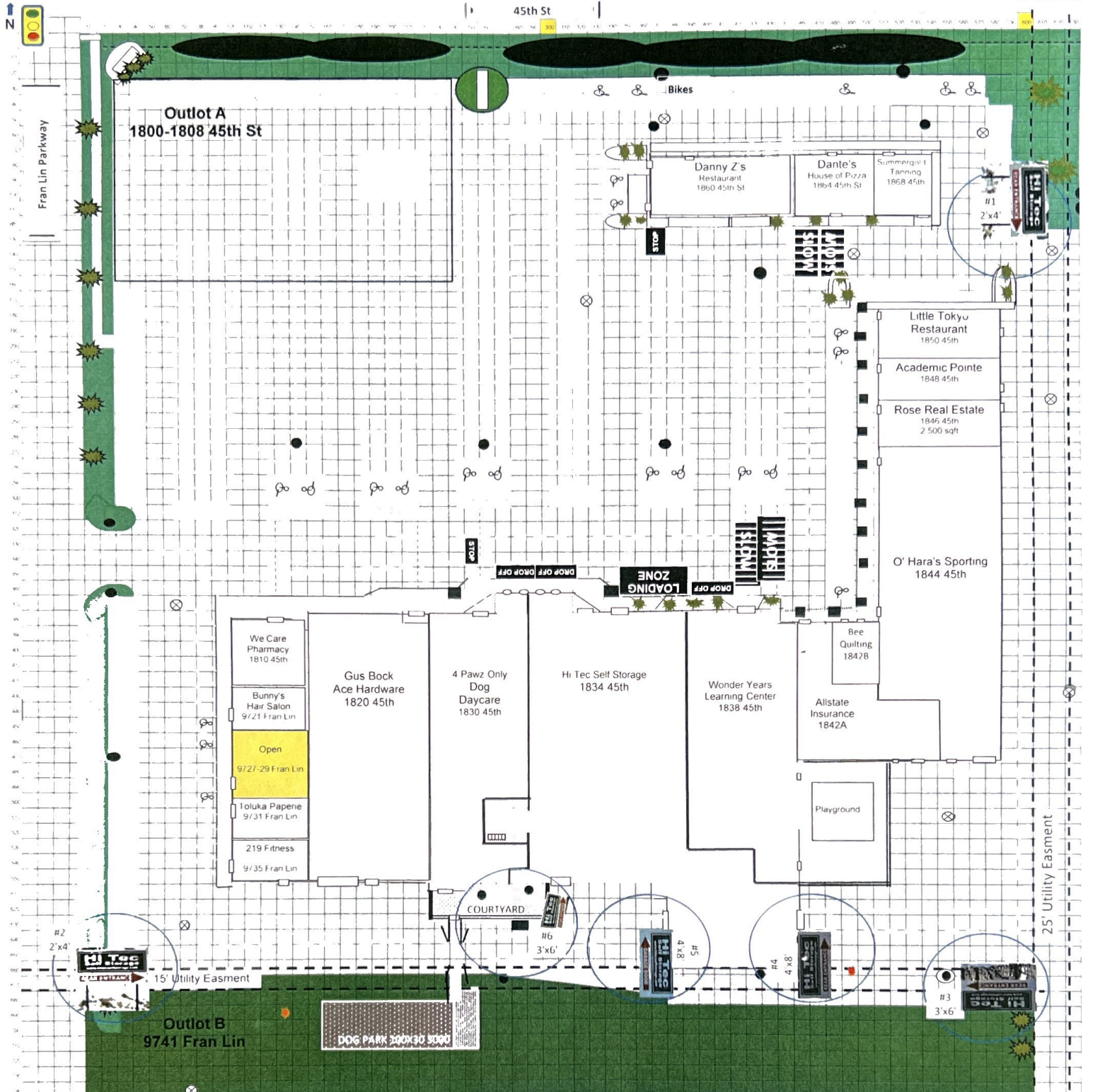
THE SIGNS DO NOT INTERFERE WITH ANY NEIGHBORING
PROPERTIES.

THE TWO ADJACENT PROPERTIES WITH VISUAL TO THE SIGNS
WILL NOT BE VISIBLE FROM THEIR CUSTOMERS.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. Explain why this statement is true in this case:

THE SIZE OF THE SIGNS IN CURRENT ORDINANCE WOULD NOT
BE SEEN AT DISTANCES OF ENTRY, THUS NOT HELPFUL TO
THE PUBLIC.

Attach additional pages if necessary



Outlot A
1800-1808 45th St

Fran Lin Parkway

45th St

Bikes

Danny Z's
Restaurant
1860 45th St

Dante's
House of Pizza
1864 45th St

Summerglow
Tanning
1868 45th

#1
2'x4'

Little Tokyo
Restaurant
1850 45th

Academic Pointe
1848 45th

Rose Real Estate
1846 45th
2 500 sqft

O' Hara's Sporting
1844 45th

Bee
Quilting
1842B

Alistate
Insurance
1842A

Playground

Wonder Years
Learning Center
1838 45th

Hi Tec Self Storage
1834 45th

4 Pawz Only
Dog
Daycare
1830 45th

Gus Bock
Ace Hardware
1820 45th

We Care
Pharmacy
1810 45th

Bunny's
Hair Salon
9/21 Fran Lin

Open
9/27-29 Fran Lin

Ioluka Paperie
9/31 Fran Lin

219 Fitness
9/35 Fran Lin

COURTYARD
#6
3'x6'

#5
4'x8'

#4
4'x8'

#3
3'x6'

Outlot B
9741 Fran Lin

DOG PARK

25' Utility Easment

15' Utility Easment

#1 EAST ENTRANCE DIRECTIONAL TO SOUTHEAST DOOR



#3 South East Sign on 2-post by rear fence to guide traffic to rear Garage Door



#4 East Rear Garage Door for entrance or exit to inside loading area



#2 West Entrance to property, Directional 2'x4' sign at rear entrance to where west garage door is located



#6 Rear door entrance sign on 4 Pawz Only Fence from east drive



Sample Directional Signs -Off Calumet Ave

