

The MUNSTER BOARD OF ZONING APPEALS
MINUTES OF REGULAR BUSINESS MEETING
Meeting Date: April 12, 2022

The announced meeting location was Munster Town Hall and could be accessed remotely via Zoom, a video conference application.

Call to Order: 6:45 pm

Pledge of Allegiance

Members in Attendance:

Sharon Mayer
Daniel Buksa
Roland Raffin
Brad Hemingway

Members Absent:

Stuart Friedman

Staff Present:

Tom Vander Woude, Planning Director
Dave Wickland, Attorney

Approval of Minutes:

Ms. Mayer suggested a change to the minutes. On page 3, four lines up from the bottom, the sentence should read "Now in addition to the planned 2 new fixtures added *to 2 existing poles*, all totaled, these additions will illuminate the entire front portion of the parking lot".

Motion: Mr. Buksa moved to approve the minutes of the March 8, 2022; meeting as amended

Second: Mr. Raffin.

Vote: Yes – 4 No – 0 Abstain – 0. Motion carries.

Preliminary Hearings

- a. None

Public Hearings

- a. **BZA 22-001 Brian McShane of 45th Street Properties LLC requesting approval of variances to install entrance door signage and directional signage both that exceed the maximum permitted area and do not comply with sign material standards.**

Mr. Vander Woude reported that a preliminary hearing was held in February. This is a request for several variances for the 45th Street Plaza on the corner of 45th and Fran Lin. There are a several directional and location signs installed throughout the property to direct customers of the Hi Tec Self Storage Business to the back of the property to access the rear garage doors. There is one sign installed at the corner near 45th Street and one near Fran Lin, some that lead to the back, and some wall signs on the building. They are shown on the map in the staff report. There are 2 items on the exhibit which are shown with an X through them. These represent signs that have been withdrawn from the variance request. These 2 originally installed directional signs do not comply with material or size standards, so the applicant has decided to withdraw the variance request and remove those signs.

None of the proposed signs comply with material or size standards. Mr. Vander Woude said both directional signs and the signs on the rear entries are permitted if they comply with standards for size and materials. Ms. Mayer asked if the 2 signs marked with an X were visible from the street. Mr. Vander Woude said they were, one was located near 45th off the entrance to Eastwood Plaza and the other is where Fran Lin dead ends. The remaining signs are not visible from the public right of way. They are visible to the neighbors to the east, from the rear of the building and by any customers behind the building looking for the Hi Tec Self Storage entrance. Mr. McShane said that the reason for installing the signs was to direct people to the entrance. They want to make sure people know where to go the unload. Mr. Raffin noted that they look like temporary signs. Mr. Vander Woude said that some of the signs would meet temporary sign standards. They are metal signs with graphics. Ms. Mayer asked if the remaining signs were in the rear of the building. Mr. Vander Woude answered that they are in the rear of the building, on the building and the fence. Ms. Mayer opened the public hearing. No comments. Ms. Mayer closed the public hearing. She asked if the signs that were withdrawn from the variance request had been removed. Mr. McShane said they hadn't yet, but the plan was to replace them with compliant signs. Ms. Mayer asked if the rear signs could be seen by the people across the railroad tracks. Mr. McShane said they could not. Mr. Raffin asked if there were 4 signs in the back of the building and this was confirmed.

Motion: Mr. Raffin motioned to approve BZA 22-001 granting approval of variances to Brian McShane of 45th Street Properties LLC 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.

Second: Mr. Buksa.

Vote: Yes –4 No – 0 Abstain – 0. Motion carries.

b. BZA 22-002 Jeffery and Nancy Nixon requesting approval of a variances from TABLE 26-6.405.A-2 to permit a 6-foot tall fence in a front yard at 8004 Hohman Avenue.

Mr. Vander Woude said the petitioners at the address 8004 Hohman Avenue have installed a fence on the north property line that extends into the front yard by approximately 10'. They are seeking a variance to keep that fence and to install an additional fence in the front yard on the south side of the property. Where there is currently a wrought iron fence, they are proposing to install a 6' fence. This is an encroachment into the front yard because the Town's definition of a front yard in zoning ordinance is the area between the nearest roofed portion of the building and the front lot line. The Nixons are requesting that they be permitted to install the fence coplanar with the front of the main house. The Town does not permit fences in the front yard outside of small sections that may be 42" in height. The variance would be for the location of the fence and the height of the fence. Mr. Vander Woude said that the Nixons would like to screen their dining room window from Hohman Avenue. Mr. Nixon said this is their main seating area since it is in the kitchen and more privacy would be helpful. Ms. Mayer asked what part of the fence had been installed. Mr. Nixon answered that the north side fence is installed. All the rest has been postponed and they are waiting on the decision of the Board and a permit. Ms. Mayer asked how much of the fence projects out too far. Mr. Nixon said it is 9'-10' or one fence section. Ms. Mayer asked if it would be compliant if only 42" tall. Mr. Vander Woude said residents are permitted small sections of fence in front yards, but it is intended to be a landscape feature-not a fence. You can have two 8' sections of up to 42" in height. Mr. Buksa

said that the petitioners are trying to keep up the appearance of the house to the standard in that neighborhood. Ms. Mayer opened the public hearing. Will Schenkel 7994 Hohman Avenue said that this is a custom-made fence. He said he has been watching his neighbor, Mr. Nixon, build this fence in his basement and has lent a hand. He said there is nothing Mr. Nixon has done in all the additions on his property that has not been done with excellence. He custom made his own wood floors for the addition. Ms. Mayer closed the public hearing.

Motion: Mr. Buksa motioned to approve BZA 22-002 granting Jeffery and Nancy Nixon approval of a variances from TABLE 26-6.405.A-2 to permit a 6-foot tall fence in a front yard at 8004 Hohman Avenue as stated in the petition.

Second: Mr. Raffin.

Vote: Yes – 4 No – 0 Abstain – 0. Motion carries.

- c. BZA 22-003 Feras Musleh of 821 Main Street LLC requesting approval of a variance from Table 26-6.405O-1 to allow a reduction in the required parking spaces for a restaurant at 821 Main Street.**

Mr. Vander Woude said that the legal notice was not published, and the public hearing should be deferred.

Motion: Mr. Buksa motioned to defer BZA 22-003 to the next regular meeting of the Board of Zoning Appeals.

Second: Mr. Raffin.

Vote: Yes –4 No – 0 Abstain – 0. Motion carries.

Findings of Fact

- a. E BZA 21-011 Kimley-Horn & Associates on behalf of Target Corporation requesting approval of multiple variances from Section 26-6.405.Q Private Lighting Standards to install nonconforming parking lot lighting at 8005 Calumet Avenue.**

Motion: Mr. Buksa motioned to approve the Finding of Fact.

Second: Mr. Raffin Boa

Vote: Yes – 4 No – 0 Abstain – 0. Motion carries.

Additional Business/Items for Discussion

- a. Appointment to the Unsafe Building Board**

Mr. Vander Woude reported the Mr. Peterson has resigned from the BZA and he was also a member of the Board of Unsafe Building Board. He asked if anyone on the BZA would volunteer to serve on the Unsafe Building Board in his place. The Board meets on an as needed basis. Mr. Raffin serves as the representative from the Plan Commission so he cannot represent the BZA. Ms. Mayer offered to serve.

Next Meeting: Ms. Mayer announced that the next regular business meeting will be May 10, 2022, at 6:45 p.m.

Adjournment:

Motion: Mr. Raffin moved to adjourn.

Second: Mr. Hemingway.

Vote: Yes – 3 No – 0 Abstain – 0. Motion carries.

Meeting adjourned at 7:25 p.m.

President Sharon Mayer
Board of Zoning Appeals

Date of Approval

Executive Secretary Thomas Vander Woude
Board of Zoning Appeals

Date of Approval