

The MUNSTER BOARD OF ZONING APPEALS
MINUTES OF REGULAR BUSINESS MEETING
Meeting Date: June 14, 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:	Members Absent:	Staff Present:
Sharon Mayer	Brian Specht	Tom Vander Woude, Planning Director
Daniel Buksa		Dave Wickland, Attorney
Roland Raffin		
Brad Hemingway		

Approval of Minutes:

Motion: Mr. Hemingway moved to approve the minutes of the May 10, 2022, meeting.

Second: Mr. Raffin.

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

Preliminary Hearings

- a. **BZA Docket No. 22-006 Paul Kats on behalf of Munster Church, Inc. requesting multiple variances from the Civic Zone Building and Lot Standards; Private Lighting Standards; Vehicular Parking, Bicycle Parking, Loading Space & Trash Receptacles; and Streetscape Repairs, Replacements, & Improvements sections to permit the construction of an addition to the Munster Church and the construction of a new multipurpose accessory building on the same site at 214 Ridge Road.**

Mr. Ted Rohn of 13177 Rhode Street, Cedar Lake, IN from Rohn Associates Architects introduced himself, saying he was joined by Don Torrenge of Torrenge Engineering who is working on the site level and site design part of the project. He said Paul Kats is a long-term member of Munster Church and he is the Building Committee Chairman who has been heading up the entire project since Mr. Rohn met him on day one. He said Pastor Jim Hollendonner could not attend the meeting but had prepared a video. Mr. Rohn said what they have submitted is an accumulation of a 2-year process of meeting the Church committees, staff and Pastor, the engineers, and the architects. They were excited to present this project which includes a new addition to the building and a new accessory building. He said that a few months ago they attended a site plan committee meeting with the Town staff and that went very well, the Town staff had very good suggestions. He played the video of the Church Pastor who introduced himself saying he has been the Pastor of Munster Church for about 4 years. He said the current building is not the original, but it is the one that has lasted the longest in the Munster Church's 153-year history being an organized congregation. The Church has always tried to be a leader in this community while making a positive community impact. He said the discussion at this hearing is in expanding the physical footprint of Munster Church but more important than the brick and mortar, is the growing impact of change they are looking to make in a positive direction. One of the things he loves about the building plans they have worked so diligently

on with their architect and the staff at Munster Church is that they all want to make a good percentage of the use of the building for the community by helping local businesses with local events, supporting the Town of Munster in all its events. In addition, they are allowing for some community space to be used for English as a second language classes, teen mother ministries and a food pantry to help those in need in partnership with other churches around Northwest Indiana and Southwest Chicago. They want the rooms, the classrooms and multipurpose rooms, the nurseries, and the eating areas of this new building to be a gift for the community. They want Munster Church to be a safe place for people to meet, where the community can feel safe and feel heard and to utilize the strength and gifting of the people of Munster and Munster Church. He said being on Ridge Road means there is always a lot of movement, a lot of people and a lot of things going on. One of the things he is excited about this summer is taking part in the Tulip Festival. One of the things you will see in the tulip is the heritage of the Munster Church and of this area. They also want to be rooted in this church and in this area. That is another reason they want to expand going eastward and putting the outbuilding in the back, it will exemplify the rootedness that Munster Church has with the Town of Munster and with all those who call the area home. He invited people to visit Munster Church any day of the week, especially on Sunday from 9:30-10:30, if they have questions or want to see what is happening.

Mr. Rohn said the church is growing with new families and they need additional space. There is a main addition to the existing church which would be joined to the main church on the east wall. That will contain the children's ministries, classrooms, meeting rooms, nurseries and a multipurpose room for children's worship and events. He said the Pastor talked about partnering with the town and that room can be used for other uses and events outside of the church functions. There are to be new offices, a warming kitchen area and a fellowship area. The existing church has a basement with stair only access. There are no windows and no elevator or ADA access. They have designed the entire addition to be ADA accessible with multiple ramps and an elevator so it will be a safe environment for everyone. In addition to the main church addition, they are proposing an accessory building. The site currently has a parsonage next to the main church. In the middle, there are 3 accessory buildings, like garages, which they plan to tear down. This will create more green space along Ridge Road. They will replace these buildings with 1 new accessory building with a workshop for children to learn woodworking, there will be other children's ministries. There is a storage and maintenance space that will take the place of the existing garage. There is a designation on the floorplan for a food pantry and there are meeting and training rooms. Those are the 2 main buildings that will replace the ones currently there. This will require some demolition of the existing buildings. They are reworking the site a little, adding some landscape islands but they are adding a tremendous amount of landscaping where they are tearing the buildings down on the east side of the site. The accessory structure will be far off Ridge Road, but they have designed it to match the architecture of the main building. On the property, there is a cemetery that divides the east and west parking lots. Torrenga engineers have done a good job redesigning some of the features with access to Ridge Road and they have met the requirement for the retention. He said that in designing the building they wanted to match the existing building. He said they are using a lot of the same materials as the existing building, the masonry, stone brick, and roofing, so they have connectivity with the existing both inside and outside on the rear and on the back. He said most of the people arriving at the church don't use the front entry, they always use the entrance on the south end. They have created a new grand entry with a shape that matches the architecture of the existing building. That will serve as the main entry with the ADA access and elevator. They are adding landscaping around the building and adding some landscape islands. They do need the parking that is there. They did calculations and it will easily absorb all the new space they are

adding. He said they will continue the landscaping all around the building and across Ridge Road. They have met the ordinance for lighting the parking lot and drives using a combination of new and existing lighting. The budget for this project is approximately \$5M, \$4M for the addition and \$1M for the plans. They have raised the funds and they are ready to begin. They are working on construction drawings for the accessory building, are just days away from finishing. With the Town's approval, they would like to send that to the state. The church would love to get the accessory building started in late July with the main addition following in the fall.

Mr. Vander Woude said Mr. Rohn explained the project well and that there is a staff report provided to the Board that details the multiple variances they are requesting. Mr. Raffin asked Mr. Vander Woude to go over those variances which could be problematic to ordinances or to residents. Mr. Vander Woude said the first set of variances relates to what is called the building and lot standards:

The position of the façade which the Town requires to be parallel to the frontage line. They are proposing instead to continue the same building line as the church, so it is at an angle to the frontage line.

The façade design proportions. There are standards that say they must be based on a whole number ratio or the golden mean. They have a note on the plan that the building is average façade proportions based on a scale of 1 to 4, but the exact proportions are not shown.

The Town requires that the roof pitches in this district be 8:12 and 14:12 pitch or flat. They are proposing that a portion of the building meets the standard but the addition in the back which covers the multipurpose room is 5:12 pitch so that part does not meet the standard.

The main entry to the building is proposed to be on the south side. The Zoning requirement is that the main entrance be on the front of the building, The idea is that you don't have a building turn its back to the street but rather to embrace the street. They are proposing to close off pedestrian access to the front on Ridge Road and have the primary access to the south.

The Town requires that anywhere there is a civic or commercial zone, the parking lot must be screened from adjacent properties. In this case, it is the residential properties to the south behind the parking lot. The Town requires a 6' tall fence, wall, or hedge.

He said the photometric plan shows some dark spots in the parking lot. The Town requires a minimum of 0.4-foot candles and the lighting plan does not meet that minimum standard. Second, under lighting, the fixtures we require are either acorn, coach, or colonial style. They are proposing a standard fixture.

He said they are requesting several variances for landscaping. Some of this has to do with the fact that they are working with an existing parking lot. When there is a new building being constructed, we require that the landscaping requirements be met for the entire parking lot.

The Town requires 1 island per every 10 parking spaces. They are adding 3 which are shown in their plan, but an additional 18 spaces would be required. The Town requires 1 tree for every 2000 Sq Ft. We do not yet know if they have met this since there is no calculation provided of the existing parking area. On the plan sheet, the staff estimates that an additional 20 trees would be required. There are

20 existing trees. He said there is a similar requirement that no parking space be more than 72' from a tree, which is not being met. He said that when there is a new building being built, the streetscaping standards need to be met. The standards require 1 tree for every 30 feet. The staff counts approximately 14 trees would be required.

Motion: Mr. Buksa moved to set this for a public hearing and that the petitioners fulfill all necessary notifications as required.

Second: Mr. Raffin.

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

b. BZA Docket No. 22-008 Larry Gill on behalf of Temple Beth-El requesting approval of variances from TABLE 26-6.405.B to allow a 6-foot vinyl fence at a frontage and in the 1st lot layer in a Civic Zone at 10001 Columbia Avenue.

Mr. Vander Woude said Larry Gill, on behalf of Temple Beth-El, is requesting a series of variances to install a 6' fence along their Columbia Avenue frontage. They had submitted a permit application to install a 6' solid vinyl fence. A sample of the fence material was provided. Our code does not permit a 6' fence to be installed on the frontage. It does not permit a vinyl fence in a civic zone which is the zone designated to this property since it is for religious purposes. They are asking for variances from those 2 standards to install the fence as proposed. The spec sheet they provided is in the staff report. The staff report also includes a letter that was sent by Steve Scheckel of the Munster Police Department. It describes the security audits the Munster PD has conducted on synagogues. Given the recent rash of violence and shootings at churches and synagogues, the PD recommended that Temple Beth-El install a fence to provide additional security from Columbia Avenue. This will also give them added privacy so as not to attract attention to the congregation.

Mr. Gill added that this is a security fence with a steel beam going through the bottom and the top. He said it looks like a normal fence but there is security built in. Ms. Mayer asked the speaker to introduce himself. He introduced himself as Larry Gill of 1310 Vivian, Munster, IN. Ms. Mayer asked if he had anything more to add. He said that this security fence would make the congregants feel much safer, especially with the increased traffic expected with the railway station coming soon. The fence would go a long way towards protecting congregants. Ms. Mayer asked about the layout. Mr. Gill said the fence would go out about 8' from the corner of the building, turn south parallel to Columbia Avenue and turn east to the southwest corner of the building. Ms. Mayer asked if it was going into the parking lot. Mr. Gill said it wasn't and since there are streets on 3 sides of them, there is no impact on the neighbors. He said there are neighbors to the south of them. Ms. Mayer asked if there was a plan to use the space once it is enclosed. Mr. Gill said they currently have a patio there and hold services there at times. It would also make the area much safer for the kids to run around. They hadn't contemplated all future uses, but he thinks they may consider some amenities for the kids.

Motion: Mr. Raffin moved to set this for a public hearing

Second: Mr. Buksa

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

c. BZA Docket No. 22-009 Jeanine Graham on behalf of JEM MedSpa requesting a variance from the Centennial Village Planned Unit Development Design Standards Section 11.7. to permit a second principal sign at the 9610 North Centennial Drive.

Mr. Vander Woude said this is an application for 2 tenant spaces at 9610 N. Centennial Drive. The property is in the southeast corner of Building G of the Centennial Village development, the mixed use building recently completed. The applicant represents JEM MedSpa which has leased both of those spaces and are seeking to install 2 signs to provide signage over both storefronts they have leased. The design of the building is such that it is divided into storefronts but inside it is an open, continuous tenant space. The Centennial Village PUD design standards specifically state that each tenant within a multi-tenant building will be permitted 1 principal sign. Their proposal is to install 2 principal signs. On the subject building, there are spaces for wall sign on each storefront above each entry. There is a pillar that stands out from the building between these 2 storefronts, so it is not a continuously flat space. The supports for the metal awnings are there as well. In order to have a sign that spans the 2 tenant spaces, it needs to be divided in two. The request is for a variance from the provision which permits only 1 sign. Mr. Vander Woude noted that even with two signs, the applicant is below their total sign area allotment.

Mr. Gus Galante of 1510 Somerset Drive, Munster, IN introduced himself as a Munster resident since 1967 and a Munster High School graduate. He stated he is a reconstructive surgeon who works on injuries, cancer reconstruction and birth defects as well as cosmetic surgery and the non-surgical part of cosmetic surgery which includes Botox, fillers, chemical peels, laser hair removal and more. In JEM MedSpa, he has partnered with Jeanine Graham, who is in attendance. They partnered to put up a very beautiful, high end business in Munster. He said they have two storefronts. He said if someone else were to move in there, they would get a sign. He thinks that since they are renting 2 spaces, they should get an extra sign. He said one of the issues is that they are on an angle. It would be nice if they could put in 1 long sign like Katie Rose has done. Katie Rose was able to do that because they have the real estate to do that. He said JEM MedSpa doesn't have that advantage because there is a protrusion that prevents the installation of 1 long sign. The only option is to break it into two. He said if they were to put 1 sign with all the information, it would be too small to read, particularly at night and you would not be able to see it. He said the signs would be green and be backlit. He said If they were to put lettering directly on the brick, it would require drilling holes into the brick and the sign would not be lit.

Motion: Mr. Raffin moved to set this for a public hearing.

Second: Mr. Hemingway

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

Public Hearings

- a. BZA Docket No. 22-004 Louis Carbonare on behalf of Marilyn A. Educate Trust requesting approval of a variance from TABLE 26-6.405.A-3 to allow a four car garage for a residence less than 5,000 square feet at 8120 Castle Drive.**

Mr. Vander Woude said the applicant is proposing construction of a house on the corner of River Drive and Castle Drive in the recently approved Fairway addition. The subject property is a single lot that was consolidated from 2 lots late last year. They are proposing a 4200 square foot single family home with a four-car garage. They are also proposing a 57.34' driveway off River Drive and a 12' driveway off Castle Drive, both of which require variances. The zoning ordinance limits the number of garage spaces for a single-family house. If the house is less than 5000 square feet, they are only permitted a three-car garage. The variance they are requesting is to install a four-car garage on a

4200 square foot house. They are also asking for a variance from the maximum driveway width. The maximum is 10' for a single garage space. They are asking for a 57' wide driveway on the north side and 12' driveway on the east side. The building plan shows the location of the attached four-car garage on the northwest side of the building. The front shows a 12' driveway that provides access to a carport in the front of the building. Mr. Vander Woude has recommended in the staff report that the variance be denied. He said previous petitions for variances from the maximum garage size have been denied and those had been situations where existing houses were proposed to be retrofit to get additional space. In this instance, it is a new house which could be built to the standard. He said his opinion is that this is not a unique situation which would require a variance from our standard.

The petitioner, Louis Carbonare of 201 Salisbury Drive, Munster, IN asked how the total square footage was determined to be 4200 square feet when it is well over 5000. He said it is a ranch application with 4200 square feet on that first floor and about 1200 of finished square feet in the basement. He said real estate today considers finished square feet. Mr. Vander Woude said the ordinance specifically excludes basement square footage. Mr. Carbonare said with the new construction and square footage of this home, he doesn't understand how this is a problem for the subdivision. It is not an eyesore. He said the idea is to get vehicles off the street because of issues with crime, vandalism, and carjacking. Their thought process is that it fits the home perfectly and doesn't cause any destruction to the subdivision. He said it is a beautiful home where the garage faces the river and is not impeding anyone. They can get the cars into the garage which deters theft or vandalism which happens often because there is direct access to Hammond. Ms. Mayer said she has been on the Board for over 20 years and 18 or 19 years ago, they were consistently getting variance requests for homes being built primarily in White Oak Estates. They were being built over 5000 square feet at the time and the standard at that time prohibited more than 3-car garages. After several years and a series of variance requests, it was decided that the ordinance should be revised such that if a house had finished space above 5000 square feet, they were allowed a four-car garage. Since that time, the Board has seen few variance requests and those have mainly been retrofits. In this case, there is the ability to design a home that meets the requirements, so a variance is not needed. They are choosing not to build to code. Mr. Carbonare said the house is being built on 2 lots. if you put the standard together and built 1 house with a three-car garage on each lot, there would potentially be 6 garages on the same land. They are building 1 house on 2 lots with a four-car garage. He said he understands the stipulation because there are several four car garages in new construction homes under 5000 square feet in Munster. They were not retrofitted. He said he thinks that with this one house with a four-car garage is reducing the number of garage spaces on that property. He said if you drive down any street in Munster, there are cars all over the street and are subject to smash and grab or other things. If the finished square footage of this home would be considered, it is well over 5000 square feet. Ms. Mayer said, before opening the meeting to the public, she wanted to point out that in citing another home with a four-car garage like he is requesting, Mr. Carbonare illustrates that fact that every time they approve a variance of this type, it haunts them later. That is why the Board must be very careful. Mr. Carbonare said it wasn't his intent to show every example. He is saying this is a house on 2 lots on the river. The homeowner is a car collector, they don't want to leave their cars on the driveway or on the street. It would be a lot of work to modify the home to add another 800 square feet above grade to get to 5000 square feet when they are only looking to add 14 feet of garage space. He said that may be the way they go but it seems a lot to ask to take up the entire property.

Ms. Mayer asked if the total lot percentage had been checked. Mr. Vander said it is well below the 30% allowed. Mr. Carbonare said they cannot make the house any wider so they would need to

push the house into the back yard. Building on most of the green space, especially by the river where grass is better, they may create a situation. Ms. Mayer opened the meeting to the public and asked for comments. Linda Watterson from 8122 Oakwood Avenue said that since the Board allowed the variance once, they need to do it all the time, forever. Michael Goepfert of 10380 Oxford Place (on Zoom) said that in looking at the plans, it looks like a great house and as a car enthusiast, he is jealous. He hoped the petitioner gets the variance he wants. He has 4 cars in his driveway, and it is very annoying. He doesn't understand the restriction. He understands that people shouldn't be running a home business out of their garage, but 4 cars is not out of the norm these days, especially with teenagers. He loves the design and hopes it gets approved. He said there might be a happy medium where there are 3 garage doors and 1 stall is 2 cars deep so they can fit 4 cars without the 4 door look from the outside. Ms. Mayer closed the public hearing. Mr. Buksa said he is inclined to support the first variance. On the second and third, he questions the petitioners wish to protect the green space when they are requesting so much paved driveway coverage. He thinks they could have a narrower driveway that widens at the curb, so they are not running onto grass. Mr. Raffin said the curved drive is difficult for plowing. He added that this is a big house on this lot, and he doesn't understand why the finished basement is not included in the square footage. He thinks the taxes reflect this. Ms. Mayer asked Mr. Vander Woude for clarification. Mr. Vander Woude said the ordinance specifically states 3 car garage maximum and excludes basement.

Mr. Carbonare explained that the basement, finished and unfinished, is 3000 square feet, so they have a potential for 7000 square feet. Ms. Mayer asked if there are basement windows. Mr. Carbonare answered that there are windows with window wells. He said the finished basement is just under 1200 square feet. Ms. Mayer said that the reason the Board of Zoning Appeals meets every month is because the Town has a set of ordinances and when residents want to vary from the code, they must come to this Board to do so. She said that just because the Board passed something once, does not mean they are required to do so in every application. She understands the thought but that is reason the Board meets every month. Mr. Buksa said he would make a motion to deny variance 2 and approve variances 1 and 3. Mr. Raffin asked the petitioner if he would narrow the garage driveway. Mr. Carbonare said they could. Mr. Raffin said they could narrow the driveway and make a kick out at the street. Ms. Mayer said they could grant the approval contingent upon the narrowing of the driveway and the petitioner should meet with the staff to work within code parameters.

Motion: Mr. Buksa moved to approve a variance from TABLE 26-6.405.A-3 to allow a four car garage for a residence less than 5,000 square feet and a variance from TABLE 26-6.405.A-2 to permit a 12' wide driveway for a 1-car garage space (carport) at 8120 Castle Drive contingent upon a mutually agreed plan that narrows that driveway along River Drive to 40' wide to comply with the Munster Zoning Ordinance.

Second: Mr. Raffin

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

Findings of Fact

- a. **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.**

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

Second: Mr. Hemingway

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

Additional Business/Items for Discussion

Ms. Mayer asked for an update in Michael Dust’s garage door. She said the work looks temporary at best and cannot meet the code. Mr. Vander Woude said there would be a final inspection when the work is complete, and any problems will be addressed at that time.

Next Meeting: Ms. Mayer announced that the next regular business meeting will be July 12, 2022, at 6:45 pm. Mayer said she will not be attending.

Adjournment:

Motion: Mr. Raffin moved to adjourn.

Second: Mr. Buksa

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

Meeting adjourned at 7:50 pm

President Sharon Mayer
Board of Zoning Appeals

Date of Approval

Executive Secretary Thomas Vander Woude
Board of Zoning Appeals

Date of Approval