



BOARD OF ZONING APPEALS STAFF REPORT

To: Members of the Board of Zoning Appeals

From: Tom Vander Woude, Planning Director

Meeting Date: July 12, 2022

Agenda Item: BZA Docket No. 22-009

Hearing: **PUBLIC HEARING**

Application Type: **Developmental Standards Variance**

Summary: 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.

Applicant: Jeanine Graham on behalf of JEM MedSpa

Property Address: 9610 North Centennial Drive

Current Zoning: Centennial Village Planned Unit Development

Adjacent Zoning: North: SD-PUD
South: SD-PUD
East: SD-PUD
West: SD-PUD

Action Requested: Approve variances

Additional Actions Required: Findings of Fact

Staff Recommendation: **Deny variances**

Attachments: BZA 22-009 variance application
Proposed building signs prepared by Vision Sign and Design
Photos of building facade



Figure 1 Subject property.

BACKGROUND

Jeanine Graham on behalf of Jem Med Spa has submitted an application for approval of a variance from Centennial Village Planned Unit Development Design Standards Section 11.7. to permit a second principal sign at the 9610 North Centennial Drive. The Jem Med Spa is a medical spa offering various aesthetic treatments.

The applicant has rented two adjacent tenant spaces on the ground floor at the southeast corner of the Centennial Village Building G, which is the four-story, mixed-use building at the northwest corner of N. Centennial Drive and Village parkway. The two tenant spaces are divided into two separate storefronts.

The applicant is proposing wall signage that consist of painted aluminum backer with illuminated, push-through acrylic lettering that cannot be installed across the two storefronts because they are separated by an architectural pillar and supports for metal awnings. Consequently, the name of the business is proposed to be divided into two separate 21.34 square foot signs. In addition, the applicant is proposing a 9 square foot projecting sign on the east side of the building. The total square footage permitted for this business is 68.67 square feet. The applicant is proposing 51.68 square feet.

A preliminary hearing was held on June 14, 2022 – there are no changes or additions to the application presented for the public hearing.

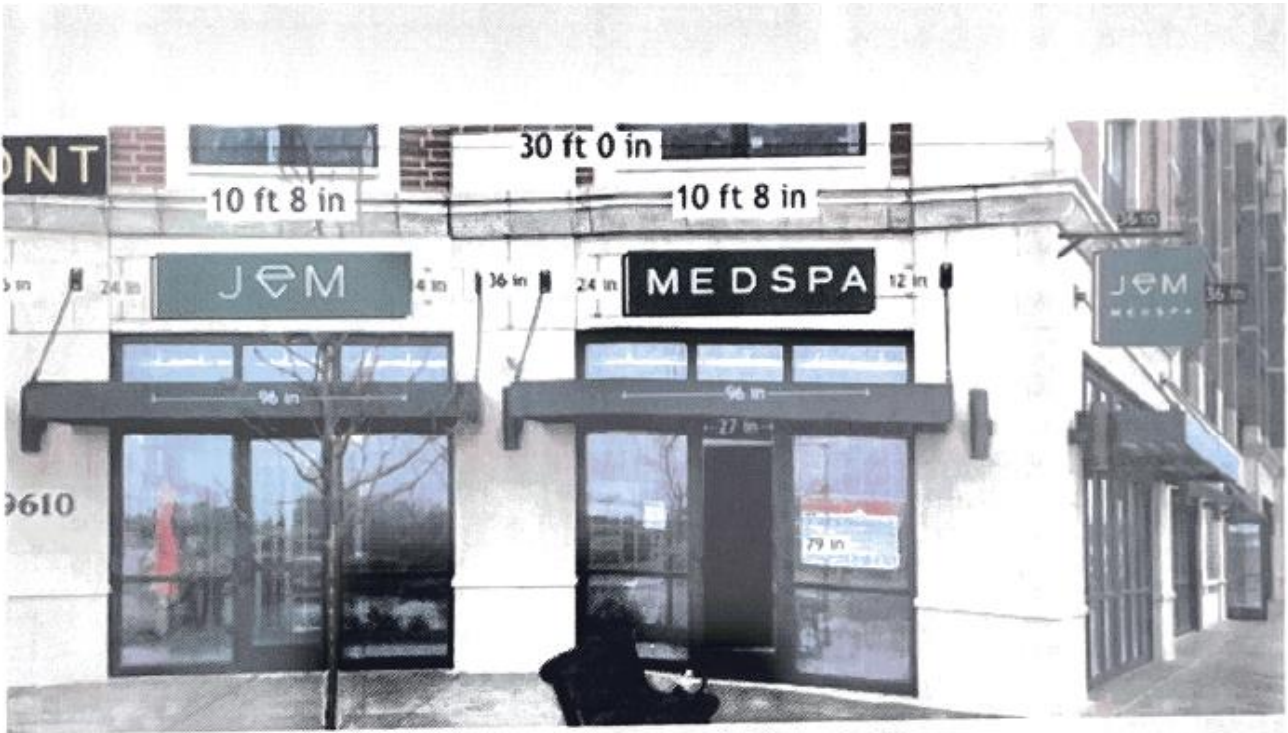


Figure 2 Photo of building with proposed signs shown.

DISCUSSION

The applicant is proposing two principal wall signs for a single business. A single principal wall sign is permitted.

Centennial Village Planned Unit Development Design Standards Section 11.7.

Each business within multi-tenant buildings will be permitted one principal sign. Such signs may be wall mounted with a total sign area as calculated below:

- a. The total area of all signs for each business shall not exceed 1 square foot of sign area for each 30-feet of interior retail or business space, excluding storage area. Each business shall be allowed a minimum of 12-square feet of sign area. The maximum total square footage of sign area for a business shall not exceed:
 - i. 75 square feet for businesses having a total gross floor area of 0 square feet to 5,000 square feet.
 - ii. 125 square feet for businesses having a total gross floor area of 5,001 square feet to 20,000 square feet.
 - iii. 200 square feet for businesses having a total gross floor area of 20,001 square feet and larger.

Staff notes that there are multiple other businesses within the Centennial Village PUD that occupy multiple tenant spaces, with multiple entry doors, but have been permitted only one principal business sign. Midwest Orthopedics at Rush located in building B is one example, shown below.



Staff notes further that *Section 1: Purpose and Intent* of the Centennial Village Planned Unit Development Design Standards states that: *The treatment of building design, parking, landscaping, site improvements and pedestrian spaces as outlined in the Centennial Village PUD is essential to creating the **pedestrian oriented environment** for the Centennial Village walkable lifestyle community.* (Emphasis mine)

The expectations for the size and number of signs in a pedestrian environment would be different than for an auto-oriented environment. Tenants of Centennial Village should expect smaller and fewer signs in keeping with the adopted design standards.

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

Staff recommends denial of the variance request on the basis of the following:

1. *The strict application of the Development standards will **not** result in practical difficulties in the use of the property.*

Staff notes that a business occupying a single storefront would not have access to additional sign area or an additional sign to advertise their business and would be required to accommodate all signage within the allotted area. Occupying multiple storefronts does not increase the advertising requirements.

2. *That practical difficulties or unnecessary hardships that would be incurred by strict application of the Use or Development standard, as applicable, are **not** unique and **are** shared by all properties in the vicinity and are not self-imposed.*

Staff notes that other businesses within the Centennial Village development also occupy multiple storefronts and have not been permitted additional signage.

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

Motion to deny BZA Docket No. 22-009.



Petition BZA _____ - _____

Date: _____

Application Fee: \$ _____

Sign Fee: \$ _____

Town of Munster Board of Zoning Appeals Petition Application**OWNER INFORMATION:**Jeanine Graham / Melissa Judeh
Name of Owner Dr. G. Galante708-942-1112
Phone Number9610 N. Centennial Dr. Munster
Street address, City, ST, ZIP Codejeanine@jemmedspa.com
Email address**APPLICANT OR PETITIONER INFORMATION (if different than above):**Jeanine Graham
Name of Applicant/Petitioner630-204-7047
Phone Number12981 Fairway Dr Lemont IL 60439
Street address, City, ST, ZIP Codejeanine@jemmedspa.com
Email address**PROPERTY INFORMATION:**Centennial Village - JEM Medspa
Business or Development Name (if applicable)9610 N. Centennial Dr. Munster
Address of Property or Legal Description

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):

We have 2 retail spaces rented 3600 sq. feet. Two doors right next to each other bring you in to our lobby. The construction of the building does not allow us to put 1 sign between the 2 doors as we'd like that would fit the criteria of one sign per business. We have had a graphic designer try to design many options for us to fit. The only design that makes sense, is readable from the street and lets clients know both entrances are ours is to split our name above each door JEM MEDSPA. One sign above one door leaves us with letters so small, you will not easily know what the business is.

Matt Kimmel (developer/landlord)
Name of Registered Engineer, Architect or Land Surveyor 312-907-0151
Phone Number

Street address, City, ST, ZIP Code

Email address



Petition BZA _____ - _____

Town of Munster Board of Zoning Appeals Application Signature Page

I hereby authorize _____[?] to act on my behalf as my agent in this petition and to furnish, upon request, supplemental information in support of this petition application.

Janice Graham 5/26/22
Signature of Owner Date

Janice Graham 5/26/22
Signature of Applicant Date

USE VARIANCE CONDITIONS OF APPROVAL (PAGE 1 OF 2)

The Munster Board of Zoning Appeals is authorized to hear petitions for use variances and to forward the petition to the Munster Town Council with a recommendation to approve, a recommendation to deny, or no recommendation. The Board of Zoning Appeals may also recommend reasonable conditions and restrictions. Indiana Code 36-7-4-918.4 lists the legal criteria for a use 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:

If we did not rent 2 spaces and there were 2 businesses as the building was originally designed, there would be a sign above each door. We are not asking for anything different than this.

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:

We are not asking for anything above & beyond what would be present if the space were 2 businesses.

3. The need for the variance arises from some condition peculiar to the property involved. Explain why this statement is true in this case:

The way the building is designed, there is a limestone post between our 2 doors. This prevents us from using one sign between the 2 doors. The metal awnings above the doors prevent us from using a wider sign with larger letters.

USE VARIANCE CONDITIONS OF APPROVAL (PAGE 2 OF 2)

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought. Explain why this statement is true in this case:

We have spent over \$500,000.00 on our build out. We need the public to be able to find us. We also want the sign to be aesthetically pleasing to match our design investment.

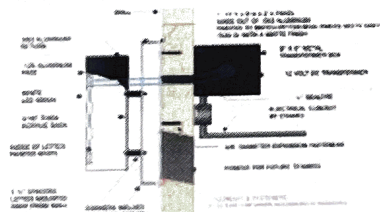
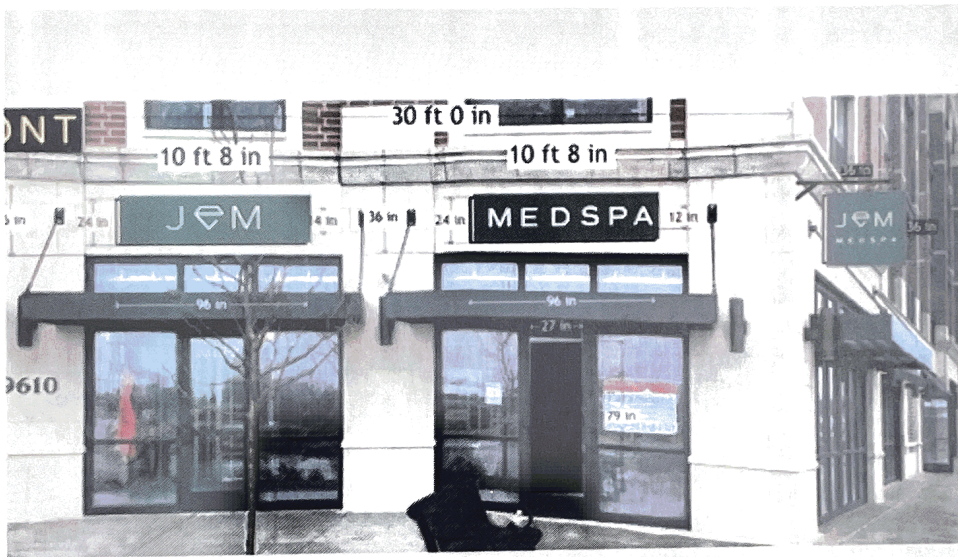
5. The approval does not interfere substantially with the adopted comprehensive plan. Explain why this statement is true in this case:

Our request changes nothing that would have been there if we only rented one space & another business was next to us. This will actually look cleaner & more aesthetically pleasing.

Attach additional pages if necessary

Jeanine

From: Jeanine Graham <jrg1120@aol.com>
Sent: Thursday, May 26, 2022 4:49 PM
To: Jeanine



**QUANTITY 1 - L.E.D.
ILLUMINATED PUSH
THROUGH LETTERS
WITH BRUSHED
ALUMINUM BACKGROUND**

**Vision Sign
& Design**

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Managing Partner
JEM Medspa
(708) 942-1112
(630) 204-7047 cell
sent from my iPhone