

TOWN OF MUNSTER

BOARD OF ZONING APPEALS

Petitioner,
Community Foundation of Northwest Indiana, Inc.
10240 Calumet Avenue
Munster IN 46321

FINDINGS OF FACT GRANTING DEVELOPMENTAL VARIANCES

1. Application has been made to the Town of Munster Board of Zoning Appeals requesting multiple variances in order to subdivide and construct an immediate care facility at 10240 Calumet Avenue as part of a 3 lot commercial subdivision.

2. This matter came before the Munster Board of Zoning Appeals for public hearing on June 30, 2022. The Petitioner, Community Foundation of Northwest Indiana, Inc., appeared by its representatives and Attorney Cheryl Zic. Petitioner presented proof of notice and publication as required by law. Petitioner presented testimony and evidence in support of the variances. The public hearing was open. There were no remonstrances. The public hearing was closed.

3. A list of Petitioner's requested variances are as follows:

- A. TABLE 26-6.405.A-7 DISTRICT STANDARDS. Building Standards Roof Type and Pitch: 8:12 – 14:12, except for shed roofs which may be 3:12 – 14:12 and that roof pitch may match the primary roof pitch of an existing building that is less than 8:12. **The proposed building roof pitch is 3:12 with multiple 8:12 pitched dormers on each elevation.**
- B. TABLE 26-6.405.A-7 DISTRICT STANDARDS Private Landscaping and Fencing Landscaping Required for all areas not covered by Structure, Parking Area, walkway, patio, terrace, or deck. If First Lot Layer \geq 10 ft., minimum of 30% of 1st Lot Layer must be landscaped in compliance with Section 26-6.405.P. 1st Lot Layer may not be paved except for driveway and sidewalk. Required minimum of 25% of landscaped area must be covered with groundcover or evergreen trees or shrubs. **The portion of a lot between the façade of a building and the front lot line is called the First Lot Layer. The Munster Zoning Ordinance requires that 30% of this area be landscaped. There is landscaped area south proposed between the sidewalk and the drop-off drive aisle as well as landscaped area proposed around the foundation of the building. The plans do not quantify the amount of landscape area, though, so it is unclear the development plan complies. It is also not verified that 25% of the landscaped area is covered with groundcover or evergreen trees, shrubs.**

C. SECTION 26-6.405.O.1.h.vii.I.11. In addition to any walkway or Sidewalk around a Parking Area or Parking Lot, each such Parking Area or Parking Lot exceeding one hundred and twenty (120) spaces shall have at least one pedestrian walkway bisecting

the Parking Area or Parking Lot and connecting to adjoining sidewalks of a minimum width of eight (8') feet that is paved differently from the parking spaces with respect to texture, material, style, and/or color. **A short path through the parking lot is provided through the east-west oriented parking row south of the building. The Munster Zoning Ordinance requires an 8-foot wide path through the center of the parking lot.**

D.. TABLE 26-6.405.O-6 BICYCLE PARKING REQUIREMENTS. Unless otherwise noted, bicycle parking shall be provided as specified below or at a rate of 1 bicycle space for each 5 vehicular parking spaces provided, whichever is greater. Any fractions round up. Required bicycle parking shall be provided in accordance with specifications and requirements on file with the Department of Planning & Community Development. MEDICAL USES: 1 space per 10 examination or patient rooms. **1 bike parking space is required for each 5 vehicular parking spaces. 182 vehicular spaces are provided which means that 36 bike parking spaces are required. The applicant is proposing a rack for 5 bikes.**

E. SECTION 26-6.405.O.2.a. Off-street loading spaces shall be provided in accordance with Table 26-6.405.O-5 (Loading Space Requirement) and shall be located in accordance with Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards) and Table 26-6.405.B (Civic Zone Standards). **No loading space shown on plans.**

F. SECTION 26-6.405.Q.2.a Lighting Standards or Poles. A lighting standard shall be of a height and design consistent with the surrounding area Buildings but in no event higher than twenty (20') feet. **The height of the lighting standard is not shown on the plans.**

G. SECTION 26-6.405.Q.2.b Lighting Standards or Poles. Standards shall be located at distances of four times their height. **The height of the lighting standard is not shown on the plans.**

H. TABLE 26-6-405.Q-1 Private Lighting Types. Parking lot light fixtures are required to be coach, acorn, or colonial heads. **The proposed light fixtures have standard rectangular heads.**

4. Based upon the testimony and evidence presented by the Petitioner, the Town of Munster Board of Zoning Appeals, now by a vote of five (5) in favor and zero (0) opposed, upon motion duly made and seconded, makes a favorable recommendation for the Petitioner's requested variances. In making such determination, the Town of Munster Board of Zoning Appeals now makes the following findings:

- 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 the Munster Zoning Ordinance 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.

AND

- 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

WHEREFORE, based upon the above evidence and Findings, the Town of Munster Board of Zoning Appeals, by a note of five (5) in favor and zero (0) opposed, approved Petitioner's requested variances. Action taken on June 30, 2022. Findings of Fact approved the _____ day of _____, 2022.

**TOWN OF MUNSTER
BOARD OF ZONING APPEALS**

By: _____
Sharon A. Mayer, President

ATTEST:

Secretary