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. 22-006
Hearing:	**PUBLIC HEARING**
Application Type:	**Developmental Standards Variances**
Summary:	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.

Applicant:	Paul Kats on behalf of Munster Church, Inc
Property Address:	214 Ridge Road
Current Zoning:	CZ – Civic Zone
Adjacent Zoning:	North: CD-4.A South: CD-3.R2 East: CD-5 West: CD-4.A
Action Requested:	Approve variances
Additional Actions Required:	Findings of Fact
Staff Recommendation:	**<u>Approve variances</u>**

Attachments:

- BZA 22-006 variance application
- Munster Church Building Addition, 214 Ridge Road plan set dated 2022.07.08
- Landscape plan prepared by K & D Landscape Industries, Inc. dated 2022.06.04
- Munster Church photometric plan prepared by KSA Lighting & Controls dated 2022.05.26
- Munster Church addition Exterior Elevations and Floor Plan prepared by Rohn Associates dated 2022.06.03
- Munster Church accessory building Exterior Elevations and Floor Plan prepared by Rohn Associates dated 2022.06.03
- Munster Church accessory building Exterior Renderings prepared by Rohn Associates dated 2022.06.03
- Comment response letter from Ted Rohn
- Comment Response letter from Don Torrenga dated 2022.06.03
- Photos of existing church landscaping provided by applicant

Figure 1 Subject property.

BACKGROUND

Paul Kats on behalf of Munster Church, Inc. has submitted an application for approval of multiple variances in connection with a development plan to construct a 13,350 square foot addition and a new 7,140 square foot multipurpose accessory building on the property of the Munster Church at 214 Ridge Road, the southeast corner of Hohman Avenue and Ridge Road. Along with the new buildings, Munster Church proposes to modify the site by narrowing the existing Ridge Road driveway, improving the landscaping

along the Ridge Road frontage, adding and relocating parking lot light fixtures, adding some parking lot landscaping, and installing a detention pond at the southeast corner of the property. The church proposes to demolish two existing single-family homes and two garages on the property.

The proposed addition will be constructed to the east of the existing church building along the Ridge Road Frontage. It will include a fellowship hall, offices, a conference room, classrooms, children's rooms, men's and women's bathrooms, and a large multipurpose room with a stage that can be used as a gym or as an auditorium. Detailed renderings and floor plans are included as attachments.

Figure 2 Rendering of proposed addition

The accessory building will be constructed along the east side of the property. It will include classrooms, space for a food pantry, offices, bathrooms, storage, and a workshop for the youth programs. Detailed renderings and floor plans are included in the attachments.

Figure 3 Renderings of proposed accessory building

A preliminary hearing was held on June 14, 2022. Revised plans show a 6' vinyl fence proposed along the south edge of the east parking area. Additionally, a dumpster enclosure at the southeast corner of the property has been added to the plans. A revised landscaping plan has been submitted that includes an additional 5 shade trees along the Ridge Road frontage.

DISCUSSION

The Development Plan for the project has been submitted to the Munster Plan Commission but cannot be approved as presented without the granting of the variances described below.

CIVIC ZONE BUILDING AND LOT STANDARDS

1. TABLE 26-6.405.B CIVIC ZONE STANDARDS Façade Position – required to be parallel to straight Frontage Line or to tangent of curved Frontage Line.

   Required: The proposed building addition must be positioned parallel to Ridge Road
   Proposed: The proposed building addition is positioned on a straight east-west line.

Figure 4 Building facade position shown in red; Ridge Road Frontage line shown in blue

2. TABLE 26-6.405.B CIVIC ZONE STANDARDS Façade Design Proportions - Must be based approximately either on (a) proportions that can be expressed as a fraction using whole numbers (e.g. 1:1, 2:1, 3:2, 4:3, etc) or (b) the following proportions: 1.414:1 or 1.618:1.

   Required: The proportions of the proposed building addition either in its entirety or in its individual components must be based on the proportions listed above.
   Proposed: The proposed building addition plans include a note: "AVERAGE FAÇADE PROPORTIONS RATIO = 1:4".

Staff comment: It is unclear to staff whether this standard is met and a more detailed response will be required from the architect.

3. TABLE 26-6.405.B CIVIC ZONE STANDARDS Roof Type and Pitch - Pitch, if any 8:12 - 14:12.

   Required: The pitch of all roofs on the building addition must either be flat or be between 8:12 and 14:12.
   Proposed: The building addition has an east-west oriented roof over the multipurpose room that has a 5:12 pitch.

Figure 5 Church addition viewed from the southeast showing multipurpose room with 5:12 roof pitch.

4. TABLE 26-6.405.B CIVIC ZONE STANDARDS Main Entrance must be in Facade of Principal Frontage.

   Required: The main entrance of the church building and addition must be on the Ridge Road side of the building and should have a pedestrian connection to the door from the street.
   Proposed: The existing pedestrian connection from Ridge Road to the church doors is proposed to be removed. No new sidewalk connections are proposed between the Ridge Road façade and the public sidewalk.

Figure 6 Existing pedestrian connection to Ridge Road proposed to be removed.

5. TABLE 26-6.405.B CIVIC ZONE STANDARDS Screens Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/ Dumpsters, HVAC and other equipment Screened from Frontage, Civic Space and Adjacent Property Required;
   except at Driveways: Parking Lots and Parking Areas shall be Screened from Frontage and Civic Space by Building or Streetscreen; Parking Structures shall be Screened from Frontages by Liner Buildings. Otherwise, Screening shall be by Building, Wall, hedge or Fence at Frontage or Building, Wall, hedge or Fence not at Frontages or Adjacent to Civic Space.

   Required: The parking area must be screened from the residential properties to the south by a six-foot fence or hedge.
   Proposed: Some existing residential fences and some intermittent landscaping is already present south of the parking areas. A 6' vinyl fence is proposed along the south edge of the east parking area.

LIGHTING

1. SECTION 26-6.405.Q.3.a Illumination of Parking Areas, Parking Lots, Parking Structures, and all pedestrian ways shall be provided at an average of 1.0-2.5 footcandles and a minimum of 0.4 foot-candles.

   Required: Described above.
   Proposed: Areas along the south edge of the east parking lot are illuminated at a level less than 0.4 foot-candles.

Figure 7 Portions of parking lot not meeting minimum illumination standard

2. TABLE 26-6.26-6.405.Q-1 Head/Luminaire Types. Colonial, Coach, and Acorn types permitted.

   Required: All new or relocated parking lot light fixtures must be Colonial, Coach, or Acorn types.
   Proposed: New and relocated parking lot lights are standard fixtures.

Image	Quantity	Manufacturer	Catalog Number	Description
	6	Lithonia Lighting	DSX1 LED P8 30K T4M MVOLT	DSX1 LED P8 30K T4M MVOLT

Figure 8 Noncompliant light fixture type

LANDSCAPING

1. SECTION 26-6.405.O.1.h.vii.I.1) Parking Areas and Parking Lots shall contain at least one landscape island for every ten (10) parking spaces. Parking Lots with more than one landscape island shall have such islands distributed throughout the Parking Lot.

   Required: Landscape islands are required to be installed in existing parking lots when a new building is constructed, but the requirement can be waived if they can't be installed without removing required parking spaces. In this case, there are 18 existing areas at the ends of parking rows that can be converted from asphalt to landscape islands.
   Proposed: Only three new landscape islands are proposed south of the building addition.

Figure 9 Location of new landscape islands.

2. SECTION 26-6.405.O.1.h.vii.I.2) Interior parking rows shall be terminated at both ends with landscape islands.

   Required: Landscape islands are required to be installed in existing parking lots when a new building is constructed, but the requirement can be waived if they can't be installed without removing required parking spaces. In this case, there are 18 existing areas at the ends of parking rows that can be converted from asphalt to landscape islands.
   Proposed: Three new landscape islands are proposed south of the building addition.

3. SECTION 26-6.405.O.1.h.vii.I.7) For every 2,000 square feet of Parking Area or Parking Lot, at least one Tree shall be installed or preserved within the Parking Area or Parking Lot except to the extent that Trees outside of the Lot containing the Parking Area or Parking Lot are allowed to satisfy this requirement as set forth below.) Trees outside of the Parking Area or Parking Lot located within twenty feet (20') of the closest portion of such Parking Area or Parking Lot, including but not limited to Trees within Thoroughfare Rights-of-Way and Civic Spaces, may be counted toward satisfying the requirements.

   Required: Trees are required to be installed in and along existing parking areas when a new building is constructed, but the requirement can be waived if they can't be installed without removing required parking spaces. The total number of trees within the parking area or within 20 feet of the parking area must be no less than 1 for every 2,000 square feet of parking area.

Proposed: Staff counts 20 trees for the east parking area and 11 for the west parking area, but no calculation of the area of the parking lot is included to determine compliance.

4. SECTION 26-6.405.O.1.h.vii.I.8) 8) No parking space shall be more than seventy-two feet (72') from a Tree within the Lot, as measured from the center of the Tree to the nearest line demarcating the space.

   Required: Trees are required to be installed in and along existing parking area when a new building is constructed, but the requirement can be waived if they can't be installed without removing required parking spaces.
   Proposed: 9 new trees are proposed in the east parking area, but there appear to be parking spaces in both the east and west parking areas that are farther than 72 feet from a tree.

5. SECTION 26-6.405.S.2 2. Streetscape Repairs, Replacements & Improvements. Prior to the issuance of any Certificate of Occupancy for a Building or Improvement, the following Streetscape improvements, repairs, or replacements shall be provided by the Lot Owner with respect to each Building or Improvement and the Streetscape that Enfronts the applicable Lot:

   …

   i. If there is no planter strip or plant well, planting accommodations shall be constructed along the entire Front Lot Line which planting accommodations shall match any existing planter strip or plant well Enfronting an Adjacent Lot, or if there is none, shall conform to Thoroughfare standards for the applicable District or Civic Zone, as set forth in Section 26-6.502 as if such Thoroughfare standards were applicable.

   iii. If there is no Thoroughfare Tree within the Frontage Adjacent to the Lot, one or more Thoroughfare Trees shall be installed along the Front Lot Line, which Trees shall meet the tree shape, spacing, and size standards for the applicable District or Civic Zone as set forth in Section 26-6.502, as if such standards were applicable.

   c. If there is not sufficient public right-of-way area for all or any of the required Streetscape repairs, replacements, or improvements as set forth in this Section 26-6.405.S, such element or elements shall be provided within the Lot Adjacent to the public right-of-way and the property owner shall grant a perpetual non-exclusive easement for public use of such elements.

   Required: The planting strip adjacent to the sidewalk should include shade trees planted 30 feet on center. Depending on the spacing, this would require approximately 14 shade trees.
   Proposed: 7 additional trees are proposed.

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

It is staff's opinion that strict compliance with the zoning standards would result in a development that is aesthetically consistent with the future development of Ridge Road and the Town and one that is designed to improve the public realm and pedestrian experience in the Town. For example, a façade that is set parallel to Ridge Road will contribute to a consistent street wall and sense of spatial enclosure along Ridge Road, which is a fundamental principle of good urban design.

However, the proposed improvements to the Munster Church are constrained by the need to fit the design and layout of the existing building and lot, which were developed under a different set of standards. The Board of Zoning Appeals has recognized this with previous petitions and has granted variances on that basis.

Certain variances that are being sought are not a result of the need to conform to existing design, though. For that reason, staff is recommending that if the variances are approved, the following conditions be included in the motion: the east parking lot be screened from residential properties to the south with a solid hedge screen and a direct pedestrian walkway be installed to connect the front of the building to the Ridge Road sidewalk.

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

Motion to approve 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 submitted under BZA Docket No. 22-006 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 with the following conditions:

1. *The east parking lot be screened from residential properties to the south with a solid hedge screen.*
2. *A direct pedestrian walkway be installed to connect the north facade of the building to the Ridge Road sidewalk.*