

HIGHLAND BOARD OF ZONING APPEALS

Minutes of the Meeting of

August 24, 2022

The Highland Board of Zoning Appeals met in the upstairs conference room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322 on August 24, 2022. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Helms.

ROLL CALL: Present were Board Members Mr. Thomas, Mr. Helms, Mr. Grzynski and Mrs. Murovic. Also present were Building Commissioner/Zoning Administrator, Mr. Ken Mika and BZA Town Attorney, Mr. John Reed.

MINUTES: The Minutes of the July 27th, 2022 meeting were approved as posted.

ANNOUNCEMENTS: The next meeting of the Board of Zoning Appeals is to be held on September 28th, 2022.

COMMUNICATIONS: None

Old Business: Approval of Findings of Fact for Manuel Sahagun, 3147 Glenwood Street, Highland, IN, requesting a Variance to build a fence beyond the building line. Property is on a corner. {HMC 18.05.060}(G)(5)(a) Permitted Obstruction in Required Yards. The following shall not be considered to be obstructions when located in the required yards specified: (a) In All Yards. Ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed 12 inches; open terraces or decks not over four feet above the average level of the adjoining ground but not including a permanent roofed-over terrace or porch and not including terraces or decks which project into the required front yard by more than six feet from the front of the principal structure; awnings and canopies; steps which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting 18 inches or less into the yard; arbors, trellises and flagpoles; fences, screens, hedges and walls; provided, that in residential districts no fence or wall shall be located in the required front yard and no landscaped screen or hedge shall exceed three feet six inches in height if located in the front yard, and no fence, landscaped screen, hedge or wall shall exceed six feet in height if located in a side or rear yard. On a corner or reverse corner lot, the side yard setback shall be the same as the front yard setback on adjoining lots; fences shall not be installed beyond this point. No fence, screen, hedge or wall shall interfere with line of sight requirements for local streets or intersections. No fence, screen, hedge or wall shall be constructed of material that may be described as rubble, cardboard, chicken wire, trees and brush, corrugated tin, utility poles, railroad ties, barbed wire, broken glass or electrified material. The design, location and construction of a fence or wall shall be approved by the building commissioner prior to the issuance of a building permit.

Mr. Thomas motioned to approve the Findings of Fact for Manuel Sahagun at 3147 Grand Blvd. Mr. Helms seconded and the motion passed with a 4 – 0 roll call vote.

Old Business: Approval of Findings of Fact for RPS Capital Investments, LLC, c/o Jared Tauber, 1415 Eagle Ridge Drive, Schererville, IN, requesting a Use Variance to remodel a vacant building into an auto body collision repair center at 8333 – 8357 Indianapolis Boulevard. {HMC 18.55.050} (C) (d) Permitted Uses Restricted in Indianapolis Boulevard Zoning Overlay District: (d) Auto Repair Centers.

Mr. Grzymski motioned to approve the Findings of Fact for RPS Capital Investments, LLC. Mr. Thomas seconded and the motion passed with a 4 – 0 roll call vote.

Old Business: Approval of Findings of Fact for Garber Realty, Inc., c/o Jared Tauber, 1415 Eagle Ridge Drive, Schererville, IN, requesting a Use Variance for a portion of vacant land to be developed into a parking lot at the location of 9227 US41/9224-92 Spring Street/9232 Spring Street. {HMC 18.55.050} (C) (u) Permitted Uses Restricted in Indianapolis Boulevard Zoning Overlay District. (u) Long-Term surface parking or off-site parking. {HMC 18.20.020} Permitted Uses in R-2 Single and Two Family Residence District. {HMC 18.45.030} Permitted Uses in B-3 General Business District.

Mr. Helms motioned to approve the Findings of Fact for Garber Realty, Inc. Mr. Grzymski seconded and the motion passed with a 4 – 0 roll call vote.

New Business: Public Hearing for Lake County Public Library, represented by John Brock, Assistant Director/Treasurer, 1919 W. 81st Avenue, Merrillville, IN, requesting a Variance for a freestanding sign to be placed in the parking lot at 2842 Highway Avenue, Highland, IN, next to the Highland Public Library, 2841 Jewett Avenue, Highland, IN. {HMC 18.85.030} (H) (1) (a) Freestanding Signs. Location. (a) A freestanding sign shall only be located on lots wider than 300 feet in a B-1, B-2, B-3, office, or industrial district and when the primary building on the lot is located a minimum of 50 feet from the front right of way.

Mrs. Murovic asked Mr. Reed if the Proof of Publication was in order. Mr. Reed confirmed that it was and Mr. Mika confirmed the sign was posted correctly.

Mr. John Brock introduced himself as the Assistant Director of the Lake County Public Library, 1919 W. 81st Avenue, Merrillville, IN and also introduced Architect Tom Kuhn from the Architectural Firm CSK, who is working on the project for the library. Mr. Brock handed out a packet to each of the Board members showing the architectural plans for the proposed parking lot and sign, also containing two views (South and Southwest) of the proposed sign. He continued to explain that the Library was developing the entire parking lot where the Calumet Bank used to stand, as it has now been demolished and

that they had been going through all the stages of development with the Building Commissioner, Ken Mika. He added that the work has been awarded to Gariup Construction. He went on to say that they would like to put up this proposed freestanding, monument sign at the corner of 4th Street and Highway Avenue and that, due to the type of sign being free-standing and electronic, there were some restrictions in the Town ordinance not allowing this type of sign to be placed in this zoned district, which is why they were here tonight trying to convince the Board to allow the sign. He said they have this same type of sign at their Merrillville, Lake Station, Cedar Lake and St. John locations. He added that he felt this particular sign in Highland will be the nicest one yet. It has been designed to look like a miniature library, with the matching roof color and type, the same brick as the main building and the same lettering as the Highland Public Library. The electronic messaging would be a great help to advertise the upcoming library events and also, they would be happy to add upcoming Town events, if the Town would be interested. Mr. Kuhn added that the parking lot would be well lit, with landscaping and irrigation and it will have its own electrical service. He said it will be a nice, well-kept parking lot.

Mrs. Murovic opened the meeting to the Public. Mr. Larry Kondrat, 8115 4th Place East, Highland, IN stated he thought the proposed design was nice and the location would not obstruct anything because it was approximately 33' back from Highway Avenue curb and not in the line of sight of anything. He added that he thought this sign would be a good thing in the proposed location. Hearing no more remonstrators, Mrs. Murovic closed the meeting to the public and brought the discussion back to the Board.

Mr. Reed mentioned that he understood the hardship to be the fact that the Library would find it difficult, if not impossible, to get messages out to the public without having the electronic messaging sign to achieve this. Mr. Brock mentioned that this was true and also, they want to associate the new parking lot with the Library and that this parking is for the Library patrons to use. Mrs. Murovic asked what the setback was from 4th Street to the sign. Mr. Kuhn answered her by saying it was 10' from the property line, but over 16' from the curb and that there was plenty of line of sight for any vehicles. Mr. Mika added that the ingress/egress to the parking lot was going to change and it would be one-way and loop around and then come out farther away from the intersection of 4th and Highway. Mr. Thomas asked if the sign would be illuminated 24/7, or if it would only be on for certain hours each day. Mr. Brock replied that it was programmable and it could be changed to match a required schedule. Mr. Mika stated that the ordinance for these types of signs are that they have to have a light control on them that measures the ambient light, so that there cannot be a very bright sign lit at any time of the day or night. He added that the ordinance states there cannot be any flashing and they have to be consistent within a certain time frame. Mr. Mika added that there was a photometric plan prepared when the parking lot was being discussed that showed that there was no light spill over and all the fixtures were dark sky fixtures that were completely controllable.

Mr. Thomas motioned to approve the Sign Variance request at 2842 Highway Avenue for the Lake County Public Library as proposed. Mr. Helms seconded and the motion was approved unanimously with a 4 – 0 roll call vote.

New Business: Public Hearing for Jennifer Lazzaro, 9327 Liable Road, Highland, IN, requesting a Variance to build a 30' x 36' garage in place of the existing 24' x 24' garage at 9327 Liable Road. The new 3 car garage's square footage would be 1,080, exceeding the maximum accessory structure allowance of 720 by 360 square feet. {HMC 18.05.060} (F) (5) Interpretation and application – Supplementary district regulation. Accessory Buildings. In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less.

Mrs. Murovic asked Mr. Reed if the Proof of Publication was in order. Mr. Reed confirmed that it was and Mr. Mika confirmed the sign was posted correctly.

Jennifer Lazzaro introduced herself and her fiancé, Ron Mihal and stated their address as 9327 Liable Road. She then handed out a packet to each Board member containing photos of their current, dilapidated garage that would be demolished, sample photos of the roof shingles and the siding that they planned to use on their proposed garage, a new Surveyor Location Report that showed their current and proposed garages and the design plans for the new garage that they planned to construct providing their variance request was approved. She continued to explain that their home was built in 1937 and the garage in the 1950's. She pointed out that the photos showed the cracks in the back concrete wall and the general poor condition of the existing garage. Ron Mihal explained that a lot of the damage had been caused by the roots of two nearby trees. He added that their main need for the new garage was for lawn equipment storage and vehicles they owned. They wanted a nicer, new garage to house their belongings, due to the poor condition of the existing garage and they also pointed out on the new surveyor location report that was done, that they would have much more room, as the square footage was increased from 576 to 1,080 square feet. They added that they had looked into repairing the old garage, but due to the concrete block, it was cost prohibitive and they were better off demolishing it and building a new one.

Mrs. Murovic opened the meeting to the public. Hearing no remonstrance, she closed the public meeting and brought the discussion back to the Board.

Mr. Helms asked what their hardship was for needing the larger garage. Jennifer Lazzaro responded that they needed all the current garage space for their lawn equipment, due to the fact that they had such a large lot. She added that she couldn't even park her car in the garage and they both wanted to be able to park their vehicles in the garage. Mr. Mika asked if there was anyone who would be working on cars on the property. They responded that there was not, but they both had trucks and her daughter had a car, then

they had the lawn equipment, bikes and other miscellaneous items. Mr. Thomas asked what the allowed square footage was for the property. Mr. Mika responded that the allowed amount was 720 sq. ft. and this new garage would exceed that amount by 360 sq. ft. and this would be there only accessory structure on the property, so that total of 1,080 sq. ft. would be their final amount. Mrs. Murovic asked if the photos of the siding and the roof shingles were the same as what was on their home. Jennifer Lazzaro answered yes, they wanted them to match so the garage would look attractive and fit in with the rest of the property. Mrs. Murovic asked if the garage would be stick built and if it would not be a pole barn. The petitioners said that was correct. Ron Mihal added there would be two doors on the garage, one at 9' wide x 8' H and the other would be 16' x 8'H.

Mr. Helms motioned to approve the Variance as requested. Mr. Grzymiski seconded and the motion passed with a 4 – 0 roll call vote.

New Business: Public Hearing for Derek Marich, 3946 Jewett Avenue, Highland, IN, Requesting a Variance to install a fence beyond the build line at 3946 Jewett Ave. Property is on a corner. {HMC 18.05.060}(G)(5)(a) Permitted Obstruction in Required Yards. The following shall not be considered to be obstructions when located in the required yards specified: (a) In All Yards. Ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed 12 inches; open terraces or decks not over four feet above the average level of the adjoining ground but not including a permanent roofed-over terrace or porch and not including terraces or decks which project into the required front yard by more than six feet from the front of the principal structure; awnings and canopies; steps which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting 18 inches or less into the yard; arbors, trellises and flagpoles; fences, screens, hedges and walls; provided, that in residential districts no fence or wall shall be located in the required front yard and no landscaped screen or hedge shall exceed three feet six inches in height if located in the front yard, and no fence, landscaped screen, hedge or wall shall exceed six feet in height if located in a side or rear yard. On a corner or reverse corner lot, the side yard setback shall be the same as the front yard setback on adjoining lots; fences shall not be installed beyond this point. No fence, screen, hedge or wall shall interfere with line of sight requirements for local streets or intersections. No fence, screen, hedge or wall shall be constructed of material that may be described as rubble, cardboard, chicken wire, trees and brush, corrugated tin, utility poles, railroad ties, barbed wire, broken glass or electrified material. The design, location and construction of a fence or wall shall be approved by the building commissioner prior to the issuance of a building permit.

Mrs. Murovic asked Mr. Reed if the Proof of Publication was in order. Mr. Reed confirmed that it was and Mr. Mika confirmed the sign was posted correctly.

Derek Marich introduced himself and stated his address as 3946 Jewett Avenue in Highland. He handed out a packet to each of the Board members showing some photos of his property and the fence that had recently been destroyed by a vehicle accident. He also included a GIS aerial view of the property with the location of the A/C unit, the location of the proposed new fence, marked in red and the location the fence would have to be placed if it were installed per ordinance, which was marked in blue. He went on to say that there was an air conditioning unit on the side of the house that faced Cline Avenue and that it would be completely exposed to traffic and potential theft. He also stated that if the fence had to be placed no further than the side building line, he would lose 1/3 of his backyard. He pointed out that placing the fence where he was proposing would not affect visibility for traffic in any way as there was no left turn at that intersection and it was a one-way street, so nobody should be turning out of that corner.

Mrs. Murovic opened the meeting to the public. Hearing no remonstrance, she closed the public meeting and brought the discussion back to the Board.

Mr. Grzyski asked Derek what kind of fence he wanted to put up. He replied it would be a 6' wooden fence. Mr. Thomas asked Mr. Marich if he would be concerned that if he were to put up the wooden fence, that it may be hit also, due to the fact that it will be so close to Cline. Mr. Marich replied that there was about 7' from the curb to the location he wanted to place the fence, which was the same location as the fence that was hit and that it would be a concern, but it was more of a concern not to have a fence there at all because of being even more exposed to traffic and theft.

Mr. Thomas motioned to approve the Variance for the fence in the proposed location, being 7' off the curb on Cline Avenue. Mr. Helms seconded and the motion was unanimously approved with a 4 – 0 roll call vote.

BUSINESS FROM THE FLOOR: None

ADJOURNMENT: Motion: Mr. Martini Second: Mr. Thomas Time: 8:14 p.m.