

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
May 28, 2025

The Highland Board of Zoning Appeals met in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322 on May 28, 2025. Commissioner Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Commissioner Thomas.

ROLL CALL: Present were Commissioners Helms, Thomas, Wright, and Murovic. Commissioner Smith was absent. Also present were the Building Commissioner/Zoning Administrator, Ken Mika, Town Attorney, John Reed, and Town Council Liaison, Doug Turich.

MINUTES: The minutes of the April 23rd, 2025, meeting were approved as posted.

ANNOUNCEMENTS: The next Board of Zoning Appeals meeting will be held on June 25th, 2025.

COMMUNICATIONS: None.

OLD BUSINESS: Approval of Findings of Fact for Osborne Storage LLC, 3323 NE 163rd Street, Suite 506, North Miami Beach, FL, requesting a Variance for a building mounted sign at Osborne Storage LLC, 8621 Osborne Avenue, Highland, IN. The proposed sign would exceed the maximum height requirement of four feet. {HMC 18.85.030 (B) (3) (a) Sign Types. Permanent Business Signs. Size. For single-use buildings, permanent business signs shall not exceed four feet in height and the width of the single-use building, less two feet on either side of the said sign.

Commissioner Helms motioned to approve the Findings of Fact for Osborne Storage LLC. Commissioner Thomas seconded the motion, and it was approved unanimously with a 4 – 0 roll call vote.

NEW BUSINESS: Public Hearing for Fair Haven, Inc., 2645 Ridge Road, Highland, IN 46322, represented by James Hus, Manager of Transportation for DVG Team, Inc., 1155 Troutwine Road, Crown Point, IN 46307, requesting a Use Variance to allow construction of a 3,200 square foot Auxiliary Building for stabilization housing to augment the services provided by the Fair Haven Rape Crisis Center at 2645 Ridge Road. {HMC 18.40.030} Transitional Housing/1st Floor Residential is not a permitted use in the B-2 zoning district, nor in any underlying B-1 zoning district. {HMC 18.35.040}

Commissioner Murovic asked if the publication and sign for the hearing were in order. Mr. Reed responded that the Proof of Publication was correct and published in a timely manner. Mr. Mika responded that the sign was posted accordingly and added that he had moved the sign from Second Street to Ridge Road, so it would be more visible.

James Hus, of the DVG Team, introduced himself and Kelly Bates, 2645 Ridge Road, Highland, IN, the founder of Fair Haven, Inc. James Hus continued to say the Use Variance they were requesting focused on a single parcel, 2645 Ridge Road, located on the NW corner of Ridge Road and Second Street. Fair Haven owned the entire building, known as the Ridge Professional Center. He went on to say that the Use Variance request this evening was to allow a first-floor residential building on a B-2 zoned lot. The proposed building would be a 3,200 square-foot building providing 5 stabilization housing units. He then asked Kelly Bates to continue with more details about what their charity does, and why this building is critical for their future success.

Kelly Bates introduced herself as the Founder, Executive Director, and Survivor Leader of the Fair Haven Rape Crisis Center. The center has been in Highland and serving survivors across Northwest Indiana for nearly 20 years. Their mission is simple – to provide comprehensive support to survivors, including crisis intervention, advocacy, counseling, and now, safe housing for individuals who are navigating one of the most difficult journeys of their lives. The abuse the survivors endure is not isolated, it is ongoing and often occurs within a place where they should feel safe, in their homes. She continued that when survivors come to them, they are not just seeking emotional support, they are often fleeing danger, with no place to go. She added, the lack of safe, stable housing is one of the largest barriers within our community, and one of the main reasons that survivors return to unsafe environments. That is why the Use Variance is so important. Allowing these residential types of units would directly support survivors, and the efforts to create transitional housing for survivors, and housing that is not a temporary shelter, but a place of healing, safety, and hope. She added that it is not just about re-zoning, it's about recognizing the dignity and humanity of people who have suffered profound trauma. It's about building a community infrastructure that meets real, urgent needs. When survivors have access to secure, transitional housing, they are far more likely to complete counseling, stay engaged in the full legal system, return to work or to school, and rebuild their lives. She said she wasn't just a service provider, but a survivor. She knew first-hand the power of safe housing, and how it can be the first step to regaining control, identity, and most importantly, the future. She knew what it meant when a community chooses to say, "I see you, you matter, and you deserve to heal." Approving this Use Variance would be a powerful step in that direction, and it reflects a community willing to adapt its resources and meet the real needs of real people. On behalf of Fair Haven and on behalf of every survivor who needs a safe place to land and rebuild, she respectfully urged the Board to recommend this Use Variance, because together we can assure that Highland is not only a respectful place of commerce, but a place of compassion, safety, and renewal.

James Hus concluded their presentation by pointing out that the Board members had each received a packet that included the site plan and renderings of the proposed residential building, which is intended to blend in with the other building. He added that they realized this was only the first step in the process, and that they had done some pre-coordination with the Town's engineers and that they felt confident with the next steps.

Commissioner Murovic opened the meeting to the public for questions or comments. Hearing no remonstrance, she closed the public meeting and brought the discussion back to the Board. Commissioner Helms asked how Fair Haven Rape Crisis Center was funded. Kelly Bates responded that survivors are never charged for any of the services provided by the center. She continued that they were largely funded by the government, both State and Federal, adding that Fair Haven was recognized as the only stand-alone rape crisis center in the entire State of Indiana. They were looked at as a model to duplicate within the entire State. She said they responded to 13 area hospitals in Northwest Indiana in Lake, Porter and La Porte counties. She added there was a team of 18 workers at the center, plus volunteers, making the total team currently 25. They respond 365 days a year, 24 hours a day. She stated that they have to respond with everything a survivor may need at that crisis moment, including clothing, as their clothing is taken into custody as evidence, toiletries, resources, etc. She said they have to pay for transportation, emergency assistance, rentals, etc. She added that housing has become such a need, with survivors needing a safe place to stay. She stated that their model will allow survivor housing for 6 – 24 months.

Commissioner Thomas asked about the security and if it will be available 24 hours. Kelly Bates responded that with this model, security would not have to be provided 24 hours a day, but that they would have security systems with alarms in place and added that they work side by side with the Highland Police Department. She said that there are times when they are on high alert, and the HPD will come and just sit in the parking lot. She added that in some instances, the State police officers will come by. She said that if they felt it was necessary in the future, they could build a security guard into the plan, but at the present time, felt it was not needed. She stated that since this was stabilization housing, it was long-term. It was not emergency housing. Their services were more wrap-around services at this stage, maybe such as completing their GED, getting their driver's license, or finding a secure job. Commissioner Murovic stated that this was a place where they could rebuild their life, after the initial emergency had happened. Kelly Bates confirmed that this was correct. Commissioner Thomas asked if the 2 units in the rendering that had two beds were for women with children. Kathy Bates stated that may eventually be the case, but that they were not going to start with children at first, and that they would not be allowed for at least the first two years. The units would be for the survivors only. She continued to explain that the two beds were for ADA compliancy, in case the survivor was in a wheelchair, or if they had some other disabilities, so they would have a little more room to move around. Commissioner Wright asked if there would only be one family or one person per unit. Kelly Bates confirmed that was correct. He then asked Ken Mika if there would be any parking requirements for this type of building. Mr. Mika replied that he had not yet reviewed the parking requirements, but since they already had ample parking for their existing building, he didn't foresee a problem, because there would most likely be a requirement of only 2 spaces per unit. At this point, Mr. Hus confirmed that the new building would be parking compliant. Commissioner Thomas asked if the current building would remain as offices and would not include any housing. Kelly Bates confirmed that was correct. Mr. Mika asked if there were any future plans to change the use of the current building. Kelly Bates confirmed there were not any plans for using it as anything except an office building.

Mr. Mika asked if any of the survivors occupying the units would be able to accept visitors. Kelly Bates stated that they hadn't adopted the particular footprints of the program at this point, but that it was possible that they could have visitors. Mr. Mika stated that he assumed there would be regulations built into the program against allowing any other family members from moving into the unit. Kelly Bates said that was correct. Commissioner Murovic asked, if the land was going to be platted separately, what would become of this building that was approved and set up for residential use in a B-2 zone if the center was to grow out of space and they moved from this location in the future? She added that the Board had to think about the big picture, down the road. Mr. Hus responded that any Use Variance approval should be subject to the current owner, unless any future owner was operating the same business model, which was highly unlikely. Kelly Bates added that with the funding they receive, they are required to have the same use for 15 years. Mr. Mika stated that the Town's concern was that if this use goes away, the building will not be used as residential use in the future. He added that there should be a legal instrument drafted, hopefully by the center's side, that states if and when this use ceases to exist, this residential use would end. Commissioner Murovic stated that normally, when a Use Variance is approved, it stays with the property. In this case, that is not going to work. Mr. Reed stated that the Use Variance would be issued to the person, rather than the property, and that this would not be difficult to enforce. Commissioner Murovic asked Kelly Bates if this was the only Fair Haven Rape Crisis Center, and she responded that it was. She added that the model in the past with other women's shelters was generally communal living, and their model was giving survivors a separate unit, with their own living space, kitchen, and bathroom, plus many wrap-around services to help them rebuild their lives. It was important with the healing process for the survivors to have their own space. She also stated that no abusers were allowed on the property, and there were surveillance cameras and systems in place to ensure that this is enforced.

Commissioner Helms motioned to give a positive recommendation to the Town Council for this Use Variance request, on the condition that this use is limited to this owner only, and not transferable with the land. Commissioner Wright seconded, and the motion passed unanimously with a 4 – 0 roll call vote.

NEW BUSINESS: Public Hearing for Kenneth & Barbara Hay, 1310 Tralee Court, Dyer, IN 46311, requesting a Developmental Variance and a Use Variance for 10250 Kennedy Avenue, Highland, IN 46322. {HMC 18.15.060} (A) (2) A. Minimum Lot Size in an R/1A Residence District. 2. The Maximum Lot Depth for all Residential Lots in this District shall not exceed twice the width of the lot, but in no case more than one hundred fifty feet (150'). {HMC 18.05.060} (F) (1) (9) Interpretation and Application – Supplementary District Regulations. (F) Accessory buildings. (1) Time of Construction. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory. (9) An accessory building may not be erected before the principal building.

Commissioner Murovic asked if the publication and signs for the hearing were in order. Mr. Reed responded that the Proof of Publication was correct and published in a timely

manner. Mr. Mika responded that the sign requirement was met, and that; due to the fact that this lot was to be divided, two signs were required to be posted.

Mr. Kenneth Hay stepped forward and introduced himself and his wife Barbara and stated that the property being discussed this evening was a single piece of land at 10250 Kennedy Avenue and was approximately 180' wide and 1200' deep. He had Torrenga Engineering draft a plat of the property and also a survey that divided the land into two parcels by meets and bounds description. He explained that the purpose for the variances was that parcel #2 does not meet two of the ordinances of the Town. The parcel #1 that he planned to sell is approximately a ½ acre. The parcel #2 is approximately 4-1/2 acres, and this is the parcel that doesn't meet the ordinances, which is why he was here this evening to ask for two variances, one a Use Variance and one a Developmental Variance. The two ordinance requirements that parcel #2 did not meet are width and length, which is reason for the Developmental Variance. The second variance being sought was a Use Variance for the 3-car garage that exists on parcel #2. This did not meet the requirements of the Town because the garage is an accessory structure and is not a house. The garage cannot exist prior to the principal building to which it is an accessory. He stated at this point that he would be happy to answer any questions the Board may have.

Commissioner Murovic opened the meeting to the public for questions or comments. Lydia Shotts, 10226 Kennedy Avenue, introduced herself and stated that she lived just a few doors down from Mr. Hay's property at 10250 Kennedy. Lydia Schotts voiced her concerns about the property at 10250 Kennedy, saying that Mr. Hays seemed to have trouble maintaining the property that he rented out, as it was often in a bad state with debris and his tenants seemed to have issues with hoarding. She said the land is a wetland zone 5, which is the highest-level wetland in the area. She added that taking away land and adding concrete or asphalt will only make the flooding worse in this area. She continued to say that her sump pump has not stopped running since last year, because the water table is so high, and mentioned that there has not even been a rainy season yet. She concluded by saying that her vote to Mr. Hays was "no" to this request.

Cameron Zandstra, representing Zandstra's Farms, 10202 Kennedy Avenue, introduced himself and stated that they were also a neighbor on Kennedy to Mr. Hays property. He acknowledged that the property in question was a very low wetland, but if anything was going to happen to the land, subdividing the lot was in everyone's best interest. Lydia Shotts stated that the back half of her property was owned by Zandstra's, so she understood why it was in their best interest to have the property subdivided. Her concern was their desire to put a parking lot behind her. She said if that happened, she feared what would happen to the land in terms of flooding. She also mentioned that she had a map from FEMA, showing the floodplain in this area.

After hearing no additional remonstrance, Commissioner Murovic closed the Public Meeting and brought the discussion back to the Board. Mr. Mika offered a little bit of history associated with this property. He continued to say that the Plan Commission had met with Mr. Hays a few months ago, because his original intent was to subdivide the property. It was determined that the existing conditions of the property do not meet the

requirements of subdivision, due to sewers and other reasons. As a result of this meeting, the Town suggested that the Hays carve up the property to meet potential Town standards eventually by meets and bounds description, which Torrenga did; it was reviewed by the Town Engineer, and it met the requirements of what they had discussed at the Plan Commission meeting. He continued that what Mr. Hays was seeking here today was not any intent of future development, near or far term. The smaller property with the house and garage was going to be sold, and the rest of the property was going to be kept by Mr. Hays. The Use Variance request for this evening was for the larger parcel #2, because the existing 3-car garage would be an independent structure on this parcel after it was separated from parcel #1, and this stand-alone garage was not allowed without a principal structure on the parcel. The Developmental Variance was also for parcel #2, because the current ratio of the length/width/depth far exceeded the allowance in the zoning ordinance. Mr. Helms asked Mr. Hays what he planned to do with parcel #2 with just a garage, and if he had any intent to build a house to go with the garage. Mr. Hays responded that when he originally petitioned for the 3-car garage, his intent was to use it for storage of his cars, and that was still his reason for having and using the garage. He continued to say that he had no intent of developing the remaining 4 – ½ acres of this parcel. Mr. Mika added that there were many complications of any development in this area, one being the fact that it is in a flood zone AE and also that there are no Town sanitary sewers in this area, but he continued to say that this should not affect any of the requests this evening because there is no further development with the property planned. Commissioner Murovic asked if the property was going to be sold. Mr. Hays stated again that he planned to sell the ½ acre property (parcel #1) that contained the house, along with a 2-car garage and that he planned to retain the 4 – ½ acre property (parcel #2) that contained the 3-car garage. Commissioner Murovic asked Mr. Hays why it would be advantageous for him to sell off part of the land and retain the other part of the land. Mr. Hays responded that the garage was important to him for the storage of his cars and that he also appreciated the rest of the land as a wildlife/nature preserve. He added that he was no longer interested in being a landlord, so wanted to sell the part of the land containing the house and 2-car garage. Mr. Helms asked Mr. Mika if it was advantageous to leave this use variance with the land if it was approved, eventually, would any future owner of the property be allowed to have a garage as the sole structure on the property. Mr. Reed pointed out that any future owner of the property would have to go through a lengthy process to develop it any further. If an owner in the future wanted to have the 3-car garage as the only structure on the property, just the same as Mr. Hays, then because of the possible approval of the Use Variance, they would be allowed to do that. After much discussion regarding the land and its restrictions, and many differing opinions of possible solutions for the way the land is being cut out, Commissioner Wright asked why that would matter, because, if the meets and bounds survey that was completed by Torrenga met the requirements of the Town, why should this issue influence the Board's decision. Mr. Reed confirmed that both parcels met the minimum requirement of 80' width, according to the survey done by Torrenga. Commissioner Helms commented that Lydia Shotts' main concern for the property was concerning additional development of the land and the risk of increased flooding on her property. From what had been discussed since then, he believed there to be no additional development now and possibly none in the future due to restrictions for development.

Another concern coming from the Board was due to the way the land was being cut out and separated and the potential value of the property being reduced. Commissioner Helms pointed out that he believed the Board was not there to judge that and that this would be the concern of Mr. Hays and any future property owners. Commissioner Helms asked Mr. Mika if there was anything detrimental to the Town in granting this Developmental Variance, other than it being a little unusual as far as the plat shape. Mr. Mika replied that his opinion was no, it was not detrimental to the Town.

Commissioner Helms motioned to give a favorable recommendation to the Town Council for the Use Variance, to allow the 3-car garage on parcel #2 as an independent structure. Commissioner Wright seconded the motion passed with a 3 – 1 roll call vote.

Commissioner Wright motioned to approve the Developmental Variance request for the length/width/depth ratio of parcel #2. Commissioner Helms seconded, and the motion did not pass, due to the roll call vote result of 2 in favor and 2 against.

After additional discussion regarding standards that would have to be met for future development of the property at 10250 Kennedy following the vote, Mr. Hay stated he was confused why the Developmental Variance did not pass because of the 4:1 ratio considering the current lot the way it stands does not meet the 4:1 ratio, either. Mr. Reed stated that what was not going to happen tonight was delving into the minds of the BZA members as to why they voted a certain way. He added that the results of the hearing did not hinder Mr. Hays in any way from doing what he stated tonight that he had planned to do with the property.

BUSINESS FROM THE FLOOR: None.

ADJOURNMENT: Motion: Mr. Thomas Second: Mr. Helms Time: 7:38 p.m.