

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
June 25, 2025

The Highland Board of Zoning Appeals met in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322 on June 25, 2025. Commissioner Thomas 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, and Smith. Commissioners Wright and Murovic were absent. Also present were the Building Commissioner/Zoning Administrator, Ken Mika, and Town Attorney, John Reed.

MINUTES: The minutes of the May 28th, 2025, meeting were approved as posted.

ANNOUNCEMENTS: The next Board of Zoning Appeals meeting will be held on July 23, 2025.

COMMUNICATIONS: None.

OLD BUSINESS: Approval of Findings of Fact 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 Helms motioned to approve the Findings of Fact for petitioner Fair Haven, Inc., 2645 Ridge Road. Commissioner Smith seconded the motion, and it was unanimously approved with a 3 – 0 roll call vote.

OLD BUSINESS: Approval of Findings of Fact 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 Smith motioned to approve the Findings of Fact for petitioners Kenneth & Barbara Hay, Inc., 10250 Kennedy Avenue. Commissioner Helms seconded the motion, and it was unanimously approved with a 3 – 0 roll call vote.

NEW BUSINESS: Public Hearing for Linda Brouwenstyn, 9456 Southmoor Avenue, Highland, IN 46322, requesting a Variance to install a fence beyond the building lines at 9456 Southmoor Avenue. 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. Reed confirmed the Proof of Publication for this petitioner was published correctly and in a timely manner. Mr. Mika stated that the sign was posted appropriately, as well.

Commissioner Thomas asked if there was anyone present to present the petition. Linda Brouwenstyn, of 9456 Southmoor Avenue stepped forward and introduced herself as the petitioner. She proceeded to pass out a packet to the Board with some information regarding her case. She stated that she had lived in Highland for almost 50 years and had lived at this address for 26 years. She had always done her best to maintain the property. She had a fence around her yard that had been badly damaged in a recent tornado, so it had to be replaced. Since her property was on a corner, she learned that replacing it in the exact same location would not be possible, due to the change in the ordinance since her original fence was installed. Linda Brouwenstyn suggested that she wanted to replace the fence in the same spot, but with a little variance. She asked the Board if she could replace the fence on the Azalea Drive side right to the sidewalk but angle it into the church driveway for the last 12'. She felt this would be enough for good visibility before the stop sign. She continued to say that she felt she would lose too much of her yard if she had to bring the fence in from the sidewalk and that it would also hide some unsightly landscaping. She said that the fence was going to be expensive, and she wouldn't be able to make it look nice on the outside for quite a while if she had to bring it in and expose the unfinished landscape.

Commissioner Thomas opened the meeting up to the public for comments. Geraldine Krolak, of 2147 44th Street stated that she thought Linda Brouwenstyn was right, and that she should be able to place the fence how she wanted to cover up the unsightly landscaping that would be exposed if the fence was brought in more to the yard. She added that she had the same problem and had to bring her fence in a few feet when she replaced it and that she now has problems because of it. She stated that she is constantly picking up garbage and dog feces in that area because she lives on a corner.

Hearing no further remonstrance, Commissioner Thomas closed the public meeting and brought the discussion back to the Board. Commissioner Helms explained that the Board got a lot of these corner fence requests, and that in the 17 years that he had been on the BZA, they had never approved a fence to be replaced right up the sidewalk, and that this just didn't happen. He added the reason for this includes maintaining the sidewalks for the Town, and visibility for driveways, or, as in her case, the alleyway to the church. He also pointed out that her suggestion for the angling of the fence before that entrance was a good idea and one that they would insist on in this case. Commissioner Thomas pointed out that another important reason for their decision is the safety hazard for children on bikes, or pedestrians with strollers, etc. He added that they usually compromise with petitioners and allow the fence to be installed roughly 3' back off the sidewalk, plus an angle of 45 degrees for the section at the end, next to the driveway.

After much discussion concerning the reasons why the fence could not be replaced right up to the sidewalk, Linda Brouwenstyn asked why they couldn't just change history and let her place the fence back in its original location. Commissioner Thomas pointed out that it would be unfair to all the petitioners in the past that had to conform to the rules and regulations of this ordinance. He added that if they followed the rules exactly, she would have almost no yard left at all. The Board was trying their best to work with the residents to make it work for the Town and for them, so it was fair, and they didn't have to lose so much yard space. They were willing to bend the rules so it wouldn't be so extreme.

Linda Brouwenstyn proposed that her fence be placed 3' back from the sidewalk, with a 45-degree angle at the alleyway to the church.

Commissioner Helms motioned to grant the variance for the fence to be setback 3', with a 45-degree angle at the southwest corner, before the alleyway to the church.

Commissioner Smith seconded the motion, and it passed unanimously with a 3 – 0 roll call vote.

BUSINESS FROM THE FLOOR: None.

ADJOURNMENT: Motion: Mr. Helms Second: Ms. Smith Time: 6:56 p.m.