

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
March 24, 2021

The Highland Board of Zoning Appeals met on the Zoom Platform, Meeting ID: 922 9615 9444, Passcode: 599187 on March 24, 2021 at 6:30 p.m. Central Time (US and Canada). Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Grzynski.

ROLL CALL: Present were Board Members Mr. Martini, Mr. Grzynski, Mr. Helms, Mr. Thomas and Mrs. Murovic. Also present was Building Commissioner/Zoning Administrator, Mr. Ken Mika and Attorney, Mr. Scott Bilse, filling in for Town Attorney, Mr. John Reed.

MINUTES: The minutes of the February 24th, 2021 meeting were approved as posted.

ANNOUNCEMENTS: The next meeting of the Board of Zoning Appeals to be April 28, 2021.

COMMUNICATIONS: Mr. Mika stated that regarding the petitions of the previous month and the Findings of Fact, the Town Council took into account both of those petitions in their meeting of Monday, March 22, 2021. They were both unanimously approved as of the BZA recommendation. He continued that Mr. Michael Griffin normally certifies that action on behalf of the council. He concluded that he had received the correspondence for both petitioners to show this action as of 5:00 p.m. March 24, 2021 and that the documents will be placed in the respective file as traditionally done.

Old Business: Approval of Findings of Fact for Steven & Jacqueline Keller, 2017 Azalea Drive, Highland, IN 46322, requesting a Use Variance for a childcare facility located at 2635 45th Street, Highland, IN 46322. {HMC 18.35.040} Permitted uses in a B-1 District do not include daycare.

Mr. Martini motioned to approve the Findings of Fact for Steven & Jacqueline Keller regarding the Use Variance favorable recommendation for their childcare facility. Mr. Helms seconded and the motion was unanimously approved with a roll call vote of 5 – 0.

Old Business: Approval of Findings of Fact for Alexander Momcilovic, 8542 Henry Street, Highland, IN 46322, requesting a Use Variance for Residential Use in a B-2 (Central Business District) zoned property at 8542 Henry Street, which has an existing residential use of Legal Non-Conforming. Mr. Momcilovic is attempting to refinance this property. {HMC 18.40.020} Limitations of Use. A. Dwelling units are not permitted below the second floor, on lots which contain a business use.

Mr. Helms motioned to approve the Findings of Fact for Alex Momcilovic regarding the Use Variance favorable recommendation for Residential Use in B-2 zoned district.

Mr. Martini seconded and the motion was unanimously approved with a roll call vote of 5 – 0.

New Business: Public Hearing for APA Development, LLC c/o Jared Tauber, 1415 Eagle Ridge Drive, Schererville, IN 46375, requesting a Developmental Variance for the construction of a temporary outdoor baseball infield in the existing parking lot at 3150 45th Street, Highland, IN 46322. {HMC 18.45.020} (A) Limitations of Use. Permitted uses in the B-3 district are subject to the following additional general limitations: (A) All businesses, Sales, Services, Processing or Storage shall be conducted in completely enclosed buildings.

Mrs. Murovic asked if there was anyone present to represent this petition. Mr. Jared Tauber introduced himself and stated that he would be representing this petitioner.

Mrs. Murovic asked if the Proof of Publication was in order for the petitioner, APA Development. Mr. Scott Bilse replied that the Proof of Publication was in order. Mr. Mika added that the sign was also posted as required and within the allotted time frame.

Mr. Tauber introduced Mr. Doug Schafer of APA Development to the Board and stated he was a life-long Highland resident and that he was a member of the 1992 basketball sectional championship team, which defeated state ranked Lake Central that year. He continued that this is still regarded as one of the biggest basketball upsets in the State of Indiana. Mr. Tauber said he was at the game as a 10 year old and has always admired Mr. Schafer and what he does. Mr. Tauber then stated that Mr. Schafer now has a family and was always successful in what he did, so decided he wanted to open a sports training facility where he could train athletes. He continued that Mr. Schafer has a daughter that is about to enter high school and is a very good athlete, so that fueled his desire to open the facility. Mr. Tauber continued that the building at 3150 45th had deteriorated considerably because it was vacant for approximately 6 years before he acquired the property. Mr. Schafer made a deal with the property owner last year and has completely remodeled every square inch of the building, 36,000 square feet, inside and outside. Mr. Tauber stated the renovations cost Mr. Schafer nearly \$1,000,000 before completed. He then directed the Board to view the PowerPoint presentation that he had provided to see the before and after results of the work Mr. Schafer had done. He continued to say there were batting cages, weight training rooms, a sand pit area and full length pitching mounds inside the facility and that it was really a one of a kind facility for our area and we were really lucky to have it here in the Town of Highland. He continued that, even though it is not for adults, it is really a community center for the children. He felt it was essentially what the new Lincoln Center would have been if it had passed. He pointed out that this facility has provided many jobs to the Town and has provided a place for the child athletes to train, also, it has brought revenue to the Town because when the parents drop the children off, they often visited Highland establishments to eat or shop while

their children were training at the facility. The overall benefit would be considerably more for Highland than just having a place for children to train. Mr. Tauber continued that, to date, the facility has created 7 baseball teams and 6 softball teams and that these were full teams with many players. They have 12 employees at the facility, 13 managers for the teams and over 39 coaches that help out. He then stated that there are currently 160 players on the teams and their ages range from 8 – 16 years old. The players do a lot of traveling and there are also approximately 50 non-baseball athletes that are currently using the facility for training.

Mr. Tauber then stated that, according to HMC 18.45.020, for this zoned district, the business is limited to enclosed buildings and the reason they were here was because they were proposing to put an outdoor infield in the back half of Mr. Schafer's parking lot. He continued to say the next slide was an elevation rendering of the field to show what it will look like if it is approved. He continued that it will look very sharp, there will be no ugly fence around it and the netting and artificial turf will really pop and he felt it would look even better than it does currently. He continued that, even though the building was great as it is, it is not big enough to house a full field for fielding, so that would be the hardship if the variance was not granted. Also, he pointed out that in the past years, Mr. Schafer's teams had used outdoor fields to practice on, but this caused problems because of the fact that they were very expensive to rent and very hard to get. He then said that having the field right outside the building would be much more convenient for the children in that they could move from inside classes to outside practice by just walking out the door. It would be a lot more economical for the facility to have the field on their property. Mr. Tauber continued that they needed the field to train for infield as well, which couldn't be done with batting cages. He then stated that they felt the proposed field would not adversely affect any of the neighboring property owners and added that they proposed to use landscaping to border the field and the neighboring residents to the south when there was never any landscaping there. These neighbors would actually benefit by this and have more of a buffer to the property than currently exists. Mr. Tauber stated that there would be no new lighting in the parking lot with the proposed field and no after-hours training.

He then continued that the neighbors to the east and west of the property were commercial properties, so they would not be affected and then stated that it should not adversely affect parking, even though they would lose some parking spots, because they would be adding a few spots as well. He continued that this should not be a problem because it is a drop off situation and most of the people in the facility were kids that did not have licenses or drive. He then stated the project has to be compatible with other facilities in the area, and that it would not have an adverse effect on neighboring properties. In fact, he continued, that they believe this property, in its improved state, would increase the value of the neighboring properties. Instead of having a deteriorating, empty building, they would have a fully occupied and remodeled building, which would help the neighboring properties. He concluded by saying that this field would be a temporary structure, which could be removed by a new owner if Mr. Schafer should ever sell or move in the future.

Mrs. Murovic opened the discussion to the public for any comments or questions. Hearing no remonstrance, she brought the discussion back to the Board.

Mr. Martini commented that his first thought when he viewed the petition material, was that there should be a fence on the south side of the property, between the proposed infield and the apartments immediately south of there. Mr. Tauber replied that he would let Mr. Schafer chime in on that, but he himself felt that the proposed landscaping would be better than fencing. He continued that the arborvitaes would be higher than what a fence would be, typically. Mr. Schafer added that the bushes they planned on putting in would be ordered at 8' tall and they grow in to be 16' to 20' in height. Mr. Thomas asked what would stop anyone from walking through those arborvitaes. Mr. Schafer responded that a person could walk up to the bushes, but pointed out that all the way around the field, which was approximately 125' x 125', there would be a strong netting that would prevent anyone from entering the field. He continued that there would be the barrier of bushes, then an additional 20' for the fire lane between the arborvitaes and the field. Mr. Thomas asked what type of netting would be used. Mr. Schafer explained it would be like batting cage netting. It would be taught, so it didn't have a lot of sag and balls would be stopped with only about a foot of give when they hit it. He continued that there building stands at 22' and the netting on the field would be 18' high and go all the way around the field. Mr. Schafer continued that yes, a person could access the property from the south, as they can today; however, they would not be able to access the playing surface. Mr. Tauber stated that there was no fencing on the east or west sides of the property, so adding a fence to the south side only wouldn't deter anyone from gaining access to the property. Mr. Schafer continued that they originally thought they would have a fence all the way around the field, but the more they thought about it and visited other fields, they saw that the way the balls hit the fence with time, a bubbling effect was created. They decided that the landscaping and netting would be more effective and also have more curb appeal.

Mr. Martini asked what the ratio of instructors to kids would be. Mr. Schafer replied that there would be a ratio of approximately 3:1 or 4:1 players to coaches. Mr. Martini commented that he was glad to hear there would be significant adult supervision.

Mrs. Murovic asked Mr. Mika if there was any more clarification needed regarding access for emergency vehicles on the south and east sides of the property. Mr. Mika replied that there was a minimum of 20' required, then asked the petitioner if someone could confirm that they would meet that requirement in their plan. Mr. Kurt Koch replied that the size of the field could be adjusted, but the larger it was, the better for the kids. He continued that they did not want to hinder any emergency vehicles from accessing the property, but pointed out that there was paving on both the east and west sides of the property. He stated that if Mr. Mika wanted 20' access on all sides of the property, then that is what they would have to do. Mrs. Murovic asked Mr. Mika if 20' would be the necessary amount of access needed on all sides. Mr. Mika replied it would be, due to the fact that the access from the south would be cut off and the access from the west would be affected because of the Elks building.

Mrs. Murovic asked if there was a buffer between the field and the parking lot on the north side of the proposed field. Mr. Koch replied that there would be. The cars would be allowed to come in on one side and turn around and go down the other side.

He then asked the Board to bear in mind that the blue parking lines were done by his hand measurements and they would be off a little. They would allow for the same 20' on the north side of the field and the parking lot. Mrs. Murovic then stated that she realized that, but there would be cars driving in that 20' in order to find parking when entering the property. She wanted to know what type of buffer they would have to protect the players in the field. Mr. Koch replied that the net would be the buffer. It would be a rope netting, similar to what is found at major league ball parks. He continued that the kids would not be able to run from the field into the parking lot. They would have to walk down a sidewalk to access the field. Mrs. Murovic stated that the Board would often ask for bollards and brake bumps when kids were involved, so if there were a car in the area, it could not access the area where the kids were. Mr. Koch replied that they would certainly consider this and he would be willing to put some bollards up and brake bumps in the drive lanes. Mrs. Murovic mentioned that Target had the big red balls and suggested they could have some big baseballs instead.

Mr. Martini asked Mr. Schafer if his was the first facility of its kind in Indiana. Mr. Schafer responded that theirs was unique in that it wasn't just baseball and softball facility, but that it was also an athletic training facility. He continued that there were classes on the hour, they had an indoor yoga studio, an indoor sand facility for quick twitch muscle fiber, a speed and agility area, a functional quorum and a strength room. He then added that with the addition of this field, they would be able to have year round facilities to train in, such as they did in the southern regions of the country. He also felt they would garner attention with the Chicagoland area, not just Northwest Indiana. Mr. Koch added that Mr. Schafer had also included a study room for the children when they were in between practices. Mr. Schafer had them sit down and study rather than be idle if they were not involved in a session. Mr. Schafer replied that when they build the facility, they never wanted to rush anyone out of the facility and wanted to create open study cubicles, so if an athlete had a gap in their training, they could sit down and complete their homework and added, if they were caught up, they could hit a few balls off a tee. He concluded that they liked to keep their athletes engaged for 2 – 3 hours per visit.

Mr. Helms motioned to approve the developmental variance for the outdoor infield requested by APA Development, contingent upon the appropriate fire lane access of 20' on all sides and the addition of bollards on the north side of the field to adequately protect the players inside the field. Mr. Martini seconded and the motion was unanimously approved by a roll call vote of 5 – 0.

BUSINESS FROM THE FLOOR: None

ADJOURNMENT: Motion: Mr. Helms Second: Mr. Martini Time: 7:06 p.m.