

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
January 26, 2022

The Highland Board of Zoning Appeals met in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322 on January 26, 2022. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mrs. Murovic.

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

APPOINTMENTS: Mrs. Murovic announced the annual appointment of BZA Officers for 2022. Mr. Helms motioned to retain Mrs. Murovic as Chairman, appoint Mr. Thomas as Vice-Chairman, appoint Mr. Grzynski as Secretary, retain Mr. John Reed as Attorney and retain Susan Rae as Recording Secretary. Mr. Martini seconded and the motion passed with a 5 – 0 roll call vote. Mrs. Murovic thanked everyone for their service.

ADMINISTRATION: The Administration of Oath of Office was administered by Clerk Treasurer, Mr. Michael Griffin to reappointed BZA Commissioner, Mr. Matt Thomas.

MINUTES: The minutes of the December 8th, 2021 meeting were approved as posted.

ANNOUNCEMENTS: The date of the next meeting of the Board of Zoning Appeals is to be held on February 23rd, 2022.

Old Business: Findings of fact for John Bhatti, 7940 Spruce Street, Highland, IN 46322, requesting a Variance to replace a fence beyond the build 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. Grzyski motioned to approve the Findings of Fact for John Bhatti at 7940 Spruce Street. Mr. Thomas seconded and the motion passed with a 5 – 0 roll call vote.

Old Business: Deferred Public Hearing for Price Point Builders, PO Box 1343, Crown Point, IN 46308, represented by Camille Schoop and Bruce Young,

requesting a Variance to place a garage as the primary façade of the house in front of the build line or porch. {HMC 18.15.080} (K) (1) Design Standard: (K) Single Family Residence Garages shall be designed as not to dominate the primary façade of the building. Garages may be located as follows: (1) Garages shall be set back six feet from the primary façade of the building.

*** Note: Letter received from petitioner requesting to withdraw their Variance petition request due to a design revision that brought the matter into compliance.**

Mrs. Murovic stated that the letter was received by the commissioners via email and a copy was placed in the file of the petitioner. She added no further action was needed.

New Business: Public Hearing for Jessica Castro, 3015 44th Street, Highland, IN 46322, requesting a Variance at 2241 41st Street, to place a garage in front of the front door to accommodate a covered porch, as the primary façade of the house in front of the build line. {HMC 18.15.080} (K) (1) Design Standard: (K) Single Family Residence Garages shall be designed as not to dominate the primary façade of the building. Garages may be located as follows: (1) Garages shall be set back six feet from the primary façade of the building.

Mrs. Murovic asked Mr. Bilse to confirm that the Proof of Publication was in order. Mr. Bilse confirmed that it was in order and published in a timely manner. Mr. Mika confirmed the sign was also posted correctly and at the appropriate time. Ms. Castro added that there was a copy of the Proof of Publication on the last page of her presentation packet. Ms. Jessica Castro introduced herself and stated she would be speaking at this petition hearing. She proceeded to hand out a presentation packet to each

of the Board Members and to Mr. Mika. She continued that she was looking to build a new home at 2241 41st Street, which is a corner lot and that they currently had a contract with Viking Built Homes, LLC to build this single family home. She stated that they were unaware when they originally purchased the lot that the property is actually in a flood zone. Because of this fact, they had to forgo the original design layout that they wanted, which included a basement and choose an alternate design which would be more suitable. She continued that the garage in the proposed design only protrudes 5' from the front building line of the home and added most of the existing homes on the block were similar in design and many had garages as the primary façade. She felt her design would match the esthetics of the neighborhood and fit in well. Mr. James Garofalo of Viking Built Homes, LLC, 188 Joliet Road, Valparaiso, IN 46385, introduced himself and added that he hoped that the Board would consider approving this variance request, due to the circumstances and the fact that the petitioners had already spent so much in anticipation of building this home before they found out that it was in the flood zone. He added that this had been a hardship for them, increasing their costs for the project. He continued to say that he had reduced his fee in order to help accommodate their project and that his company feels bad about the entire situation and wanted to help them achieve their plans. Ms. Castro said that they live in Highland now, their boys are in school, they like the neighborhood and would really like to stay in Highland.

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 if the trees on the lot would be removed. Ms. Castro replied that they would. Mr. Helms then asked how far back from the road the proposed home would be. Mr. Garofalo replied it would be 31' back from the road. Mr. Helms asked if this property was all one lot. Ms. Castro replied it was one lot and it was a large lot. Mr. Garofalo added the home would be 42' from the neighbor. Mrs. Murovic asked if Mr. Garofalo had to bring the home that far up because of the flood plain. He replied that was correct and that the flood zone is mostly in the back half of the property, so they wanted to avoid as much as they could. He added that they also had to raise the house up 2' and add some steps to the front door. Mrs. Murovic stated that the way the home was designed softened the look of the garage being predominant and the design had interest.

Mr. Helms motioned to approve the variance request for Jessica Castro at 2241 41st Street to have the garage as the primary façade, protruding 5' from the front building line. Mr. Grzymiski seconded and the motion passed unanimously with a 5 – 0 roll call vote.

BUSINESS FROM THE FLOOR: None

ADJOURNMENT: Motion: Mr. Grzymiski Second: Mr. Thomas Time: 6:53 p.m.

Agenda is subject to change without notice.