

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
April 27, 2022

The Highland Board of Zoning Appeals met in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322 on April 27, 2022. Mr. Martini called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Helms.

COMMUNICATIONS: Mr. Martini introduced and welcomed the new Town Council Member and BZA Liaison, Ms. Toya Smith.

ROLL CALL: Present were Board Members Mr. Grzynski, Mr. Helms and Mr. Martini. Also present were Building Commissioner/Zoning Administrator, Mr. Ken Mika, BZA Town Attorney, Mr. John Reed and Town Council Liaison Toya Smith.

MINUTES: The minutes of the March 23rd, 2022 meeting were approved as posted.

ANNOUNCEMENTS: The next meeting of the Board of Zoning Appeals is to be held on May 25th, 2022.

Old Business: Approval of Findings of Fact for F & E Ventures, 473 Oak Street, Elmhurst, IL, requesting (6) Variances for the proposed Car Wash at 8945 – 8955 Indianapolis Boulevard, Highland, IN, including: Minimum 20’ Green Space 18.45.050 (C)(3); Minimum 20’ Rear Yard 18.45.050 (E)(1); Fence Abutting Residential District 18.05.070 (A); 15’ Buffer to Residential District and Screening Alternative 18.45.050 (E)(2); 125’ Minimum Lot Depth 18.45.050 (F)(1); and Sign within Landscaped Strip 18.85.030 (H)(1)(b).

Mr. Grzynski motioned to approve the Findings of Fact for F & E Ventures. Mr. Helms seconded and the motion was approved with a roll call vote of 3 – 0.

New Business: Public Hearing for Al Kosior, 8933 Grace Street, Highland, IN 46322, requesting a Variance for a 12’ x 20’ Storage Building in his backyard. {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. {HMC 18.05.060 (F) (7)}

Interpretation and application – Supplementary district regulation. Accessory Buildings. Accessory Structures in Certain Districts. In R-1A, R-1, R-2, or R-3 zoned districts, accessory structures shall number no more than two, including attached garages.

Mr. Martini asked Mr. Reed if the Proof of Publication for this petitioner was in order. Mr. Reed confirmed that it was in order, published more than 10 days prior to tonight's meeting. Mr. Mika confirmed that the sign was also posted correctly, in a timely manner.

Mr. Al Kosior, 8933 Grace Street, Highland, stepped forward and introduced himself as the petitioner and proceeded to hand out packets to the Board that included a survey of his property, a drawing of the future shed/garage and several photos of his property. He went on to say that he would like to build a 12' x 20' utility building in his backyard. He added that he currently had a 12' x 20' attached garage and a 20' x 22' detached garage in the back, along with an 8' x 10' wooden utility shed. He continued that he wanted to add this new building that would be more substantial with a concrete foundation and a Hip roof as opposed to just getting a pre-fabricated shed. He said that if granted this variance, his total accessory structure square footage would be 1,000. He added that his lot was 1 acre and the 1,000 square feet would constitute less than 3% of his yard area. He stated he wanted to add this building on the north edge of his property, approximately 85' back and then added that this would be close to his neighbor's sheds and would fit in a bit better. He continued that he needed the storage for his lawn mower, two-stage snow blower, one-stage snow blower, roto-tiller, 4 bicycles, wheel barrow and fertilizer spreader, there was not really room for it all, along with a vehicle, with the depth of his current garage. He mentioned that he also had a boat that is currently stored outside behind the small utility shed and added he would like to be able to fit that in the back garage also, then use the new building to store all the yard items previously mentioned. He summed up that storage was the hardship and that he wanted to maintain the property and invest in Highland, because the newly built utility building was a substantial investment for him and would look much better than adding a regular shed. Mr. Martini asked if Mr. Kosior planned to have any utilities added to the building. He replied that he did not have any plans for that immediately, but he may have an electric line run out to it in the future. Mr. Martini asked if he planned to add an access road. Mr. Kosior replied he may add about 5' of gravel down the north side of the property line to access it, but there would be no car access to the building. He finished by saying that he felt this was not an unreasonable request, considering the size of his lot and that it would actually look better afterwards, with landscaping added it would have more visual interest, as opposed to being open grass. It would also have siding, trim and roof shingles to match the house.

Mr. Martini opened the meeting to the public. Hearing no remonstrance, he closed the public meeting and brought the discussion back to the Board.

Mr. Helms confirmed with Mr. Kosior that this proposed building was just to house his personal equipment and that there would be no working on cars, or commercial business use. Mr. Kosior confirmed that was correct and there would only be personal storage.

Mr. Helms motioned to grant the Variance request for Mr. Al Kosior, allowing the 12' x 20' utility building to be constructed as described. Mr. Grzymiski seconded and the motion was approved with a 3 – 0 roll call vote.

New Business: New Business: Public Hearing for Scott Lynn, 1560 W. 94th Lane, Crown Point, IN, and Kenneth Richmond, J. Gast Sign Co., Inc., 499 US Hwy. 30, Valparaiso, IN, requesting a Variance for a Sign at 10251 Indianapolis Boulevard of 380 square feet, which exceeds the square footage allowed per ordinance. {18.83.030} (B) (3) (b) For multi-use and mixed-use buildings, the maximum gross area for permanent business signs shall be either one square foot for each linear foot of frontage that the building occupies, or 150 square feet, whichever is less.

Mr. Reed confirmed the Proof of Publication was in order, published more than 10 days prior to tonight's meeting and Mr. Mika confirmed the sign was posted correctly, in a timely manner.

Mr. Scott Lynn of Lynn's Furniture and Mr. Kenneth Richmond of J. Gast Sign Company came forward as the petitioners and passed out information to the Board regarding their petition request. Mr. Richmond stated one of the graphics in their packet showed their signage, overlaid on the previous tenant's (Dick's Sporting Goods) signage, pointing out that their request at 380 square feet was less than Dick's. He continued that this was a unique situation because the store was set so far back in the shopping area and even with what they were proposing, the sign wasn't that obvious.

Mr. Martini asked if Mr. Lynn had any other stores in the area. Mr. Lynn replied that he had one other store in Portage and had been in business in NWI for over 30 years.

Mr. Martini opened the meeting to the public. Hearing no remonstrance, he closed the public meeting and brought the discussion back to the Board.

Mr. Grzymiski stated he appreciated the drawing showing the new and the old sign, but that he felt that the size the petitioners was proposing was just too big. He also disagreed with the statement saying the sign would be difficult to see.

Mr. Helms asked if the petitioner knew the square footage of the Best Buy sign, shown in one of the photos. Mr. Richmond stated he did not know that, but knew it was taller and he believed it was much larger.

Mr. Mika stated that both the Best Buy and the Dick's Sporting Good signs were legal non-conforming. He continued that a tenant that was going to be moving into this same space had been granted a variance for 250 square feet about a year ago and that tenant had originally asked for 446 square feet.

Mr. Scott Lynn stated that many of the signs in this area were national chains, such as Best Buy and that people recognize the shape, color and logo of these stores right away. He continued that even symbols, such as the McDonald's arches are all that is needed for customers to know the restaurant is there. His store is only his second and he felt that he needed a little more consideration because it is not nearly as well-known as these other names. He admitted that 380 square feet may be a bit too large and he would be open to a sign around 300 square feet.

After much discussion regarding the sign square footage between the petitioners and the Board, Mr. Helms suggested that they come up with a plan B and this would essentially be a compromise between their original request of 380 square feet and the ordinance allowance of 150 square feet.

Mr. Helms motioned that the Board grant the sign variance request to the petitioners for a maximum of 300 square feet. Mr. Grzymiski seconded and the motion was passed unanimously with a roll call vote of 3 – 0.

BUSINESS FROM THE FLOOR: None

ADJOURNMENT: Motion: Mr. Grzymiski Second: Mr. Helms Time: 7:03 p.m.