

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
October 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 October 26, 2022. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Thomas.

ROLL CALL: Present were Board Members Mr. Thomas, Mr. Grzymiski and Mrs. Murovic. 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 August 24th, 2022, meeting were approved as posted. There were no Minutes to approve for September, as the meeting was cancelled.

ANNOUNCEMENTS: Mrs. Murovic asked the Board to decide on the date of the next Board of Zoning Appeals meeting, due to the upcoming holidays. Mr. Grzymiski motioned to cancel the regularly scheduled meetings on November 23rd and December 28th, rescheduling them into one meeting on December 14th, 2022, at 6:30 pm, preceded by a 6:00 pm study session. Mr. Thomas seconded, and the motion was approved with a roll call vote of 3 – 0.

COMMUNICATIONS: Mrs. Murovic announced that there was an emailed notification received from Highland Osborn Partners, LLC, requesting a 6-month (180 day) extension for the approved Use Variance for the climate-controlled storage facility at 8621 Osborn Road/8601 Indianapolis Blvd., due to several engineering issues. His clients anticipate starting construction in the summer of 2023, which would be beyond the one-year timeframe. The Town Council originally granted the Use Variance on December 13, 2021. Mr. Thomas motioned to grant a favorable recommendation to the Town Council. Mr. Grzymiski seconded and the Board’s roll call vote of 2 in favor and 1 against resulted in no recommendation to the Town Council. Mrs. Murovic explained the reason she voted against the favorable recommendation was that she had voted against the facility in the original hearing.

Old Business: Approval of Findings of Fact for Public Hearing for Lake County Public Library, represented by John Brock, Assistant Director/Treasurer, 1919 W. 81st Avenue, Merrillville, IN, requesting a Variance for a freestanding sign to be placed in the parking lot at 2842 Highway Avenue, Highland, IN, next to the Highland Public Library, 2841 Jewett Avenue, Highland, IN. {HMC 18.85.030} (H) (1) (a) Freestanding Signs. Location. (a) A freestanding sign shall only be located on lots wider than 300 feet in a B-1, B-2, B-3, office, or industrial district and when the primary building on the lot is located a minimum of 50 feet from the front right of way.

Mr. Grzynski motioned to approve the Findings of Fact for the Sign Variance requested by Lake County Public Library. Mr. Thomas seconded, and the motion passed with a 3 – 0 roll call vote.

Old Business: Approval of Findings of Fact for Jennifer Lazzaro, 9327 Liable Road, Highland, IN, requesting a Variance to build a 30' x 36' garage in place of the existing 24' x 24' garage at 9327 Liable Road. The new 3 car garage's square footage would be 1,080, exceeding the maximum accessory structure allowance of 720 by 360 square feet. {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.

Mr. Thomas motioned to approve the Findings of Fact for the Garage Variance requested by Jennifer Lazzaro at 9327 Liable Road. Mr. Grzynski seconded, and the motion passed with a 3 – 0 roll call vote.

Old Business: Approval of Findings of Fact or Derek Marich, 3946 Jewett Avenue, Highland, IN, requesting a Variance to install a fence beyond the build line at 3946 Jewett Ave. 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. Thomas motioned to approve the Findings of Fact for the Fence Variance requested by Derek Marich at 3946 Jewett Avenue. Mr. Grzynski seconded, and the motion passed with a 3 – 0 roll call vote.

New Business: Public Hearing for Carlos H. Valle, 9347 Southmoor Avenue, Highland, IN, requesting a Variance to install a fence beyond the build line at 9347 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.

Mrs. Murovic asked Mr. Reed if the Proof of Publication was in order. Mr. Reed confirmed that it was, and Mr. Mika confirmed the sign was posted correctly.

Mr. Carlos Valle stepped forward and introduced himself, stated his address as 9347 Southmoor Avenue and said he would be representing himself at this hearing.

Mr. Valle handed out folders to the Board members with some photos showing the old fence, and also the newly installed fence, along with nearby properties on corners that had fences that were also close to the sidewalks and going right up to driveways so there was very little visibility. He explained that his old fence was in such disrepair that it was rotting and falling apart in several spots. He said he had been driving stakes down into the posts just to try and hold it up. He added that it was a safety issue and because of that, he had taken action to correct the problem and put up a new fence. He stated that he was unaware of the fact that he needed to obtain a permit for a new fence. He continued that he placed the fence 19” from the sidewalk and hadn’t gone all the way up to the

side building line of his home, but instead he stopped with approximately 40' of space before the driveway.

Mrs. Murovic opened the meeting to the public. Mr. Robert Santana, the petitioner's Father-in-law, of 9337 Waymond Avenue, stated that his son-in-law and his daughter had only lived in this home for a year. In his opinion, the neighbors had given them a very hard time about getting everything fixed that needed fixing, including the fence. He felt this was the reason he had felt pressured to get the fence fixed. He also added they were doing their best to beautify the Town. Hearing no other remonstrance, Mrs. Murovic closed the public meeting and brought it back to the Board for discussion.

Mr. Grzyski asked Mr. Valle if he had installed the new fence in the same location as the old fence. Mr. Valle replied that he had not and had installed it further off the sidewalk than the old one.

Mrs. Murovic pointed out that the setback from the sidewalk is normally a minimum of 2', this being for safety reasons and line of sight for driveways. It was especially important in this case, as they were close to a public park that children may frequent and there would be more pedestrian traffic. Mr. Valle stated that since there was approximately 40' of space from his driveway to the fence, he felt that the line of sight was adequate. Mrs. Murovic added that many people requesting fence variances have to setback the fence 3 or 4' from the sidewalk, but he did have an advantage in the fact that he kept the fence back from the front of the house and there was good visibility before the driveway. Mr. Thomas added that the new fence was an improvement, but Mr. Valle had to keep in mind that any additional work on his home required a call to the Town to inquire and comply with permit requirements.

Mr. Thomas motioned to approve the fence variance as it had been installed. Mr. Grzyski seconded, and the motion was passed with a 3 – 0 roll call vote.

BUSINESS FROM THE FLOOR: None

ADJOURNMENT: Motion: Mr. Grzyski Second: Mr. Thomas Time: 6:56 p.m.