

**HIGHLAND BOARD OF ZONING APPEALS**  
**Minutes of the Meeting of**  
**March 22, 2023**

The Highland Board of Zoning Appeals met in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322 on March 22, 2023. 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. Thomas, who arrived latterly @ approximately 6:40 p.m., Ms. Briseno, Mr. Turich and Mrs. Murovic. Also present were Building Commissioner/Zoning Administrator, Mr. Ken Mika and BZA Town Attorney Mr. John Reed.

**MINUTES:** The minutes of the February 22nd, 2023 meeting were approved as posted.

**ANNOUNCEMENTS:** The date of the next Board of Zoning Appeals meeting will be April 26th, 2023.

**COMMUNICATIONS:** Letter received from Clerk Treasurer Mark Herak regarding the Written Determination of the Legislative Body for the Use Variance request by Mitch Feldman at 8141 Indianapolis Boulevard. Mrs. Murovic explained that the letter was in regard to a petition that was brought before the BZA and the Board gave it an unfavorable recommendation. The Town Council accepted the BZA's recommendation and denied the Use Variance request.

**Old Business:** None.

**New Business: 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 at 8327 Grace St. {HMC 18.15.080} (K) (1) Design Standard: (K) Single Family Residence Garages shall be designed so 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.

Mr. Reed pointed out that the public notice was published correctly and on time and Mr. Mika added that the sign was also posted correctly.

Mrs. Murovic pointed out to the petitioners that there were two Board members that were currently absent from this meeting. She added that one member may be arriving late, but

they were unsure at that point in time. She continued to give the petitioners the option of postponing their presentation until the April meeting, due to the fact that any vote at tonight's meeting would need to be unanimous because the usual 5-member Board had only three members present. Camille Schoop from Price Point Builders asked how many petitioners were on the agenda this evening. Mrs. Murovic answered that this petition was the only one on the agenda. The petitioners said they would like to proceed and give their presentation. After some discussion between Mr. Reed and the Board, it was decided that a motion to table the petition should be made. Ms. Briseno motioned to table the petition until the BZA meeting of April 26<sup>th</sup>. Mr. Turich seconded, and the motion passed unanimously with a 3 – 0 roll call vote. Commissioner Thomas arrived at this point, so there was now a 4-member Board present.

Bruce Young and Camille Schoop of Price Point Builders, Crown Point, IN, introduced themselves and stated they were here this evening to present for permission to build a single-family home at 8327 Grace Street that complies with all the current municipal codes with the exception of one, which was the garage setback requirement. She continued to say the packet handed out to each member showed the home and how attractive it would be in this neighborhood. Mr. Turich clarified that the home shown in the presentation was a mirror image of what the actual home would be, and that the design would be reversed when built. Bruce Young and Camille Schoop confirmed that would be correct and that the specs would be identical. Camille Schoop added that the final colors had not been chosen yet. She continued that there were other homes in the nearby vicinity, or a 2 – 3 block radius that also did not conform to the new standards for garage setback, so she felt it would fit in well with this particular neighborhood. She also stated that in building this home, they would not inflict harm on any of the neighbors. She continued to say that the owners had purchased the lot without realizing that it was not a buildable lot in Highland. Due to this, the owners worked with Price Point to get approval through the Plan Commission of a one-lot subdivision named Dutcherville Lot One, which was approved for them last week. Camille Schoop stated that attached garages are more desirable and more secure for homeowners, and with today's construction design it is more difficult to have an attached garage that is setback 6' from the primary façade of the home. She added that for new construction homes, that is no longer a standard building style. She also stated that the property owners have a contract to build and bank approval for this construction. The property owner, James Dutcher, stated that they have been waiting and searching for an available lot in Highland to build this style of home for several years, but it has been difficult because there are not many lots available in Highland. He added that they wanted to stay here, have been in Highland for over 20 years and loved the school system. Twila Dutcher added that it has been three years and that they had searched in many other towns with no luck. They had called the realtor the day the lot went for sale on a Friday and purchased it that same weekend. This was the lot they wanted to build their dream home on.

Mrs. Murovic opened the meeting to the public. Greg Mazur, 3424 Grand Boulevard, commented that his family had lived in Highland since 1968. As far as he remembers, this lot was always an unbuildable lot. He said it was very wet, water was always sitting in the lot and there was a lot of wildlife there. He stated his main concern was the water

and his property being affected by this if the lot was built on. Mrs. Murovic pointed out that the drawing showed that there was a yard drain on the property and asked if someone else would like to expound upon that. Mr. Mika commented that a drainage plan had already been submitted for the property and there would be adjustments made to the grade of the property. Based on elevation and existing drainage structures, the majority of the property is going to drain towards the front and technically, the property has always been buildable, but there was an inconsistency found 20' feet to the north of this property and they found out that in 1959 the surveyor misrepresented the property description. He continued that these issues had all been corrected and are shown in a new, recorded document. He added that the drainage plan that the engineer had submitted has to show that with this new construction, there will be no adverse effects to neighboring properties. Mr. Mazur then asked who would be responsible for the drainage on the property if the drain clogs up. Mr. Mika explained that the structure, being on an easement, could be cleared out by the homeowner if they wanted to, or the Town could come clear it because of the fact that it is located on a public utility easement. Mr. Mazur stated if there was any fill added to the low spots, it would be an issue for him and would cause his property to flood. Mr. Mika again explained that with the drainage plan that had been submitted, the design has to facilitate drainage not only away from the new construction, but also away from any neighboring properties. He added that when the point of occupancy draws near, the engineer will have to certify that the elevations are accurate to the design of the drainage plan. Mr. Thomas asked how many drains the property had. Mr. Mika answered that there was a storm drain in the front and a yard drain in the rear on the northeast side. Mr. Mazur asked if the drains were there now. Mr. Mika replied that they were. Mr. Mazur asked why it floods every spring if there were existing drains. It was discussed by the Board that the drains were probably clogged with debris as the lot is currently vacant. It was eventually decided that, providing the drains are maintained and kept clear, the water should drain efficiently as the engineering drainage plan showed, away from the new construction and the neighboring properties.

Mrs. Murovic closed the meeting to the public and brought the discussion back to the Board.

Mr. Thomas asked what the porch setback was off the garage. Mr. Young stated it was approximately 5-1/2 feet. Mr. Thomas asked if the porch would then be the prominent feature instead of the side of the garage. Mr. Young confirmed that was correct. Mrs. Murovic stated that helped reduce the protrusion of the garage. Ms. Briseno asked Mr. Young why, when he designed the home approximately 8 years ago, couldn't he have redesigned or tweaked the design to meet the code requirements, as that changed 7 years ago. Mr. Young explained that with the porch dimensions and having to bring it 11 feet out to meet the requirements, he could not make the roofline work with an acceptable design. Mr. Turich asked if it would be possible with this home design to enter the garage from the side instead of the front. Mr. Young answered this question by saying that typically there would be 25' needed for the turn into the garage to be comfortable. There was only 14' available space before the easement if the door of the garage was to be on the side, so that would not be enough room. Ms. Briseno asked if there was any

way they could tweak the design to meet the requirements and make the property owners happy with it, other than the Board making it allowable. Ms. Schoop replied that they were applying for the Variance for this issue, and it was actually a design that they had already built twice here in Highland, and had been approved for them twice and she added that it conformed with the neighboring subdivisions. Ms. Briseno stated that Price Point Builders had built the house twice since the rules were changed and each time had to ask for a variance. She added that when the Board approves a variance such as this, they were changing the way they want things to look in Highland, and that is why she felt the Board was struggling with this. Ms. Briseno asked, since the petition was tabled until April's meeting, if the petitioners and the owners could possibly come up with an alternative that would be more acceptable to the Board. Mrs. Murovic agreed and suggested they come up with a compromise. Mr. Young stated that without going to a completely different style of house, they had very limited opportunities for change. Mr. Dutcher added that this was the style of house that they wanted. Mr. Thomas asked if it would affect the owners' plans if the Board were to keep this petition on the table for a month. Mr. Dutcher stated that it did affect them with their loan, and that they had already let their loan interest rate lapse because of the Plan Commission meeting for the one lot subdivision. He said he had just locked it in about 4 or 5 days ago, but only for another 15 days. He continued that he thought he would know tonight, and waiting another month would affect them financially. Ms. Briseno stated that she had asked Mr. Dutcher where the garage was going to go at the Plan Commission meeting. Mrs. Dutcher stated that they were told they could not present any plans at the Plan Commission meeting, due to the fact that it was regarding the establishment of a one lot subdivision only. Mr. Mika confirmed that this garage setback request and the subdivision are two different things. Mrs. Murovic said that the Board does try to expedite the process as best they can and mentioned in the past, the BZA required two separate meetings, so it has improved over the years in that only one meeting is required now. She continued that she understood that this was little comfort, as interest rates are climbing. Mrs. Dutcher commented that they had already been to four meetings with the Town regarding this property. Mrs. Murovic added that this was the first time with the BZA. Mr. Thomas asked how many times Price Point Builders had built this style of home. Mr. Young replied that they had built it many times in neighboring towns, including Griffith, Lowell, Crown Point and Merrillville. Mr. Young asked if it would help if they set the house back further. The Board seemed to agree that this house should line up with the others on the street, with the same build line, or close to it.

Mrs. Murovic stated that since there was no motion to take this petition off the table, the hearing would remain there and be continued at the April 26<sup>th</sup> BZA meeting.

**BUSINESS FROM THE FLOOR:** None.

**ADJOURNMENT:** Motion: Mr. Turich Second: Ms. Briseno Time: 7:30 p.m.