

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
July 26, 2023

The Highland Board of Zoning Appeals met in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322 on July 26th, 2023. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Helms.

ROLL CALL: Present were Board Members Mr. Helms, Ms. Briseno, Mr. Turich and Mrs. Murovic. Mr. Thomas was not present. Also attending were Building Commissioner/Zoning Administrator, Mr. Ken Mika, Town Attorney, Mr. Scott Bilse and Town Council Liaison Toya Smith.

MINUTES: The minutes of the June 28th, 2023, meeting were approved as posted.

ANNOUNCEMENTS: The date of the next Board of Zoning Appeals meeting will be August 23rd, 2023.

COMMUNICATIONS: None.

Old Business: None

New Business: Public Hearing for Scott Filler, Apex Total Property Maintenance, 2743 Highway Avenue, Highland, IN 46322, requesting Variances for 2716 40th Street, Lot 5 & 2728 40th Street, Lot 3 for Lot Width and Lot Area/Total Square Footage allowances. {HMC 18.20.050} (A) (2) Property Development Standards. (A) Minimum lot size requirements for an R-2 district are as follows: (2) Every single-family detached dwelling shall meet the requirements of HMC 18.15.060 (C) (1) and every two-family attached dwelling hereafter erected shall be on a zoning lot having a minimum areas of 9,600 square feet and a minimum lot width of 80 feet at the building line, and lot depth of 120 feet; provided, that a lot of record on the effective date of the ordinance codified in this title which is less than 9,600 square feet in the area or less than 80 feet in width, or 120 feet in depth, may be improved with a single-family detached or two-family attached dwelling where authorized by the board of zoning appeals.

Mrs. Murovic asked Mr. Scott Bilse, filling in for Town Attorney, Mr. John Reed, if the Proof of Publication was in order for Mr. Scott Filler. He replied that it was, and Mr. Mika stated that the signs were also posted correctly.

Mr. Scott Filler of Apex Total Property Maintenance stepped forward and introduced himself as the petitioner and proceeded to hand out some paperwork for the Board to review while he presented his petition. Mr. Filler continued to say that most of the duplexes in this neighborhood are on a 60' wide lot and at some point, the zoning was changed to 80' wide as a minimum. He stated that he cannot change the width of the lots

and since the majority of the other lots in the neighborhood are 60 feet, he would like the Board to make an exception to the rule and grant the variances. 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 stated that he knew Mr. Filler did not have immediate plans to build on the two lots, but asked if he was aware of what type of homes would eventually be built on these properties. Mr. Filler replied that he did not know at this time, but if he were to build on them in the future, he would choose to build duplexes. Mr. Helms said he wanted Mr. Filler to be aware that in the future, any homes built on the lots would have to conform to all the required rules and setback requirements, and may even require variances at that time, other than lot width and lot area. Mr. Filler replied that he was aware of this.

Mr. Helms motioned that the Board approve the Lot Width and the Lot Area/Total Square Footage Variance requests for Lot 3, located at 2728 40th Street. Mr. Turich seconded, and the motion passed unanimously with a 4 – 0 roll call vote.

Mr. Helms motioned that the Board approve the Lot Width and the Lot Area/Total Square Footage Variance requests for Lot 5, located at 2716 40th Street. Ms. Briseno seconded, and the motion passed unanimously with a 4 – 0 roll call vote.

New Business: Public Hearing for Ann Coglianese, 1012 N. Arbogast Street, Griffith, IN 46319, requesting a Use Variance for a Taekwondo instructional studio to be permitted at 9717 Spring Street, which is in an I-1 Light Industrial District. {HMC 18.50.040} Permitted Uses. A Taekwondo Instructional Studio is not a Permitted Use in an I-1 Zoned District.

Mrs. Murovic confirmed with Attorney Scott Bilse that the Proof of Publication for this petition had been published accordingly. Mr. Bilse replied that it was in order and Mr. Mika confirmed that the sign had been posted correctly.

Ann Coglianese stepped forward, introduced herself and stated her address as 1012 N. Arbogast in Griffith, IN. She continued to name her business as Region American Taekwondo Association IN (Region ATA), and that she was requesting a Variance to occupy the space at 9717 Spring Street, which was in an I-1 light industrial zone. Ms. Coglianese stated that she and her son Nathaniel started this business in 2013, then moved the business to Highland in 2015 and their current partner, Carly Hogan, joined them in 2017. She then explained how the business had grown and evolved into what it is today, which is the best martial arts school, summer school and after school program in the region. She introduced many employee coaches whom she considers her Region ATA team. She also briefly introduced several of the students and their families and gave accounts of their success and achievements since attending her programs. She added that the students gain confidence, strength, body control, self-esteem and invaluable life skills. She explained that taekwondo is the tool that she uses to help the next generation of children and families grow and thrive as individuals and units. She believes the respect, self-discipline, joy and mental strength learned through taekwondo

will help the kids of today become the leaders we need tomorrow, adding that the school's motto is "Training the Next Generation".

Ms. Coglianese stated that her business has grown from 20 students to 130 students, plus 60 summer campers and 30+ after schoolers. Because of this, they are finding themselves in need of more space. She explained this is why they would like to expand to this 7,000 square foot space and accommodate the growing business. Finally, she said that allowing them this Use Variance would greatly benefit their business, which would in turn benefit the community of Highland.

Mrs. Murovic opened the discussion to the public and asked if anyone had any comments or concerns they would like to share.

Leah Dumezich, Superintendent of Griffith Public Schools, 1202 E. Lake Street, Griffith, IN, remarked that she knew Ann both professionally, as a superintendent and personally, as her daughter attends Region ATA summer camp as a student. She stated she was very fortunate to have someone like Ann to transport her kids to a very safe and welcoming program. Her daughter describes being there as feeling like family. She continued that her daughter was a part of the Right to Be program, which was a healthy outlet for her, other than social media or cell phones, which could lead to trouble. Kids at the camp don't have their cell phones for 8 hours out of the day and were encouraged to engage with one another. She continued that Ann has put her heart and soul into this program and really empowers children to do the right thing, speak up for others who may not be able to speak for themselves, have self-awareness and high self-esteem. She added that Ann works with the schools and has a huge impact on youth in this community by providing this healthy outlet. She concluded that she was very proud to be a part of the program and hoped the Board took all of this into consideration.

Dr. Hector Savala, 1803 Norwood Drive, Griffith, IN, commented that the program Ann offers at Region ATA is amazing. He continued that it provided invaluable skills, and through training, even helped children achieve higher grades academically, obtain better focus and better discipline. He pointed out that, because of limitations with space for the kids, it was in turn limiting how many folks could be helped. He asked that the Board take this into consideration when determining their decision how many more lives could be impacted and improved.

Mrs. Murovic closed the public discussion and brought it back to the Board. She also thanked Ms. Coglianese for her presentation and noted the strong support she had for her business location; however, mentioned that there were still some concerns among the Board members regarding this building meeting the needs and safety concerns for this use in the I-1 zoned district. Mr. Turich mentioned specific concerns such as lighting of the parking lot and utilizing the right of way at the back of the building for additional parking. He continued that in the study session discussion, they didn't feel that these issues had been clearly defined or resolved. He stated that the Board felt that this petition should be tabled until next month, so that this information could be obtained and then documented for the Board's review. He added that this was a great program and noted

the enthusiasm behind it. He concluded that the Board is focused on the safety of everyone involved and in no way wanted the petitioner to look on this as a negative. Mrs. Murovic agreed and stated that they had to focus on the building and what it offered the students and employees. She added that considering the number of students mentioned at 130, there were only 12 parking spaces currently. Mrs. Murovic also mentioned that there was no drop-off pattern for students, and there was no holding zone. These issues were concerning the Board. Ms. Coglianese said that the parents had to park and come into the building with the children and that they had to be signed in and out. She added that they had been dealing with this at their current location on Jewett Ave. Mrs. Murovic pointed out that on Jewett Avenue, there were a lot of opportunities to park further down the street and walk to the studio. With the new requested location, there would not be that kind of choice and it was a busy area. Mr. Mika stated that the current location on Jewett Street was on-street parking, so this was a better situation in that the parking would be off-street; however, it needed to be better defined and there needed to be more because the parking spaces being shown in the front on the current site plan would not be sufficient. Mr. Mika stated that he would be willing to work with Ms. Coglianese, but it would need to be drawn up by the engineering firm. Mr. Mika also stated that there would need to be clear access to the parking, which would have to be shown on the new site plan as well. Ms. Briseno asked Ms. Coglianese what the square footage of the proposed location was. Ms. Coglianese stated that the front part, or lobby of the building was 3,000 square feet and the back part of the building was an additional 4,000 square feet. She added that she felt it was absolute perfection for their needs. She also pointed out that there were never 130 students at a time at the facility, and that they averaged about 30 – 40 students per night. Mr. Turich explained that the maximum number of students and employees at the facility on any given night would be the number she should be concerned with for planning the parking needs. Mrs. Murovic reiterated that the three primary things to be addressed were the lighting, the parking spaces and the students getting in and out of the space safely. Mr. Helms said that he liked what they had presented and the fact that the Board was pointing out some nuts-and-bolts things to be addressed does not in any way mean that they were against them approving the Use Variance, they just had to address these concerns. Ms. Coglianese stated that she was in no way discouraged by these requests. Mr. Mika added that Ms. Coglianese would not have to re-advertise with another legal notice or a sign. Mr. Helms asked what would be required for the lighting. Mr. Mika replied that they would need to put together a plan.

Mr. Turich motioned to table this hearing and continue it at next month's BZA meeting on August 23, 2023. Ms. Briseno seconded, and the motion passed unanimously with a 4 – 0 roll call vote.

BUSINESS FROM THE FLOOR: None.

ADJOURNMENT: Motion: Mr. Turich Second: Mr. Helms Time: 7:05 p.m.