

**HIGHLAND BOARD OF ZONING APPEALS**  
**Minutes of the Meeting of**  
**March 27, 2024**

The Highland Board of Zoning Appeals met in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322 on March 27, 2024. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Commissioner Thomas.

**ROLL CALL:** Present were Commissioners Helms, Murovic, Smith, Thomas, and Wright. Also in attendance was Attorney, Mr. Scott Bilse, representing the Town Attorney, Mr. John Reed.

**MINUTES:** The minutes of the December 13th, 2023, meeting were approved as posted.

**ANNOUNCEMENTS:** The date of the next Board of Zoning Appeals meeting will be April 24<sup>th</sup>, 2024.

**APPOINTMENTS:** Mrs. Murovic stated that the Board would be electing the officers for the Board of Zoning Appeals for 2024 to include the BZA Chairperson, Vice-Chairperson, Secretary, Attorney and Recoding Secretary. Mr. Helms motioned to keep the same officers as were elected in 2023, which were Susan Murovic as Chairperson, Matthew Thomas as Vice-Chairperson, David Helms as Secretary, John Reed as Attorney and Susan Rae as Recording Secretary. Mr. Thomas seconded, and the motion was passed unanimously with a 5 – 0 roll call vote.

**COMMUNICATIONS:** None.

**Old Business: Continued Public Hearing for Michele & Trevor Parsley, 8817 Woodward Avenue, Highland, IN,** requesting a Variance to install a fence beyond the building lines at 8817 Woodward 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 if anyone was present to represent the petitioner in this hearing. Hearing no remonstrance, and after being informed that the petitioners had been notified of the date of the continuance and not responded to say they would be unable to attend, Mr. Helms motioned to drop the Public Hearing for this petitioner. Mr. Thomas seconded, and the motion passed unanimously with a 5 – 0 roll call vote. It was also determined that if, in the future, the petitioner wished to continue with this hearing, it would be necessary for them to re-file.

**Old Business: Continued Public Hearing for Kashmira Makwana, c/o Janjus Construction, 9911 Southmoor Avenue, Highland, IN 46322,** requesting a Variance of the R-1 zoned district at 9911 Southmoor Avenue, to allow a garage accessory structure addition of 364 square feet, making the total square footage for accessory structure at the property 936 square feet, including the existing 572 square foot garage. {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.

Mrs. Murovic stated that since this was a continued hearing, the legal notice and sign were previously published and posted correctly. She continued to ask if anyone was present to represent this petitioner. Kashmira Makwana, 9911 Southmoor Avenue in Highland stepped forward and introduced herself and her companions from Janjus Construction, who would be building her proposed garage addition. Kashmira Makwana continued that there were two additional requests the Board had asked for her to produce after her last hearing on December 13<sup>th</sup>, 2023. The first was a drawing of the front elevation of the garage and what would be covering it, and the second was how the sides would be covered. She stated that this drawing had just been handed out to the Board members and had also been emailed to the Board members prior to tonight's meeting. She explained that she would have all brick on the front and the sides of the garage would be covered with siding. She continued that it would be difficult to make the siding conform to the neighborhood, since there was such a wide variety of siding that existed, but that theirs would not be inconsistent in keeping with the aesthetic of the neighborhood. She then stated that they were present this evening to ask for approval of this presented material, with brick on the front and siding on the sides.

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 how far the garage would be set back from the property line. Janjus replied that it would be 8 feet. Mr. Thomas asked if the siding covering the sides would be the same color as what was on the rest of the house. Kashmiria Makwana replied that it would. Mr. Thomas asked how many other 3-car garages were in their neighborhood. Kashmiria Makwana replied that she knew of one other 3-car garage in her neighborhood. Mrs. Murovic pointed out that it was still uncommon in their neighborhood.

Mr. Helms motioned approve the request for the 14' x 26' garage addition with the brick façade and siding on the sides at 9911 Southmoor Avenue. Mr. Thomas seconded, and the motion was passed unanimously with a 5 – 0 roll call vote.

**New Business: Public Hearing for Robert Crowel, 8925 Arbor Hill Drive, Highland, IN,** requesting a Variance to install a 12' x 14' (168 sq. ft.) shed on an existing slab at the rear of his property at 8925 Arbor Hill Drive. The existing, attached garage is 776 square feet. Adding the shed would bring the total square footage for accessory structures on the property to 944 square feet, which is 224 sq. ft. over the allowed 720 sq. ft. Adding the shed would also exceed the maximum lot coverage of 35% and put the property under the minimum landscape coverage of 35%. The shed would also exceed the Covenant Border Requirements by protruding over the allowed area in the neighborhood. {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. {18.15.060} (G) Maximum Lot Coverage in R-1A and R-1 Residence Districts. In R-1A and R-1 districts, the maximum lot coverage on a zoning lot shall not exceed 35 percent. {18.15.060} (H) Minimum Landscape Coverage in R-1A and R-1 Residence Districts. In R-1A and R-1 districts, a minimum of 35 percent of the lot area shall include landscaping that conforms to Chapter 18.75 HMC. The shed would also exceed Covenant Border Requirements – outside of the allowed area.

Mrs. Murovic asked Mr. Bilse if the Proof of Publication was published correctly. He replied that it was in order and published correctly. Mrs. Murovic added that the Building Department had confirmed in the Study Session that the sign was also posted correctly and in a timely manner.

Mrs. Murovic then asked if there was anyone present to represent this petition. Mr. Robert Crowel, 8925 Arbor Hill Drive, stepped forward, along with his Attorney, Jared Tauber of Tauber Law Offices, 1415 Eagle Ridge Drive, Schererville, IN. Mr. Tauber stated that he would be representing Mr. Crowel in his hearing, seeking three developmental variances to place a shed in Mr. Crowel's backyard. He continued that he would go through the packet that had been provided to the Board. The property was a single-family residence that he was very familiar with and there were issues including accessory structure square footage, maximum lot coverage and minimum landscaping coverage. He proceeded to explain that the concrete in his client's backyard existed when he bought the home. Mr. Crowel didn't have a need for the concrete or the basketball court, but he did have a need for storage. He pointed out that his neighbor had a shed in the same location in his lot that Mr. Crowel is requesting to put his shed. Mr. Tauber then stated that there is nothing about the shed that would change the use of this property. He continued that there would be nothing injurious to the public's health, safety and morals, adding that most of his neighbors would not even be

able to see the shed or know that it is there. He added that Mr. Crowel had collected many signatures from his neighbors in support of him obtaining this variance for the shed and, in fact, that there were no neighbors that objected to him having the shed in his yard. Mr. Tauber continued to say that the shed would be a very nice shed and the cost was approximately \$10,000.00. He added that Mr. Crowel had a riding lawn mower, since he had a knee replacement and that took up a lot of space that could not fit easily in his current garage, as he had six people living in his home. There were also six cars at the home and his current garage was only for three cars. Mr. Crowel's fiancé was recently diagnosed with cancer and spent a lot of time gardening, which helped her deal with the difficulties she was facing. She had collected a lot of gardening equipment and tools, which were also taking up a lot of space in the garage. He was hoping to transfer most of these tools to the shed, also. Mr. Tauber also pointed out that there were four other homes in Mr. Crowel's block that had similar-looking sheds in their backyards, adding that the covenant must not be adhered to.

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 shed would be permanently mounted to the concrete with screws. Mr. Crowel replied that it would be. Mr. Helms then asked if it would have power. Mr. Crowel replied that it possibly would have power in the future, but not right away.

Mr. Thomas motioned to approve the variance request for accessory structure to allow the 12' x 14' shed be installed, with a shed total of 168 square feet, and an accessory structure, including the existing garage of 944 square feet. It should be mounted on the existing concrete pad in a manner that meets any building codes required by the Town of Highland, at 8925 Arbor Hill Drive. Mr. Helms seconded the motion and it passed unanimously with a 5 – 0 roll call vote.

Mr. Thomas motioned to approve the variance request for exceeding the lot coverage of 35%, with the placement of the shed at 8925 Arbor Hill Drive. Mr. Helms seconded, and the motion passed unanimously with a 5 – 0 roll call vote.

Mr. Thomas motioned to approve the variance regarding the minimum landscaping coverage of 35%, with the placement of the shed at 8925 Arbor Hill Drive. Mr. Wright seconded, and the motion passed unanimously with a 5 – 0 roll call vote.

**New Business: Public Hearing for Daniel & Aziza Gil, 3349 Franklin Avenue, Highland, IN,** requesting a Variance for their attached garage in their proposed new Single-Family Residence at 8549 Liable Road, Highland, IN. The proposed garage would exceed the accessory structure allowance of 720 square feet and would not meet the garage setback requirements. {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 18.15.080} (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 confirmed with Mr. Bilse that the Proof of Publication was in order and published correctly. Mrs. Murovic added that the Building Department had confirmed in the Study Session that the sign was also posted correctly and in a timely manner.

Mrs. Murovic asked if there was anyone present to represent the petitioners. Aziza Gil and her husband Daniel, 3349 Franklin Avenue, stepped forward and introduced themselves and their two daughters, Addison and Olivia Gil to the Board. They explained that they wanted to construct a new single-family residence at 8549 Liable Road and were requesting a variance for the total square footage of the garage and the setback of the garage, which did not meet the requirements of the code. Daniel Gil stated that they had passed out some information with photos of other homes in the area that had garages that protruded past the primary façade of the home. He continued to explain the material further with front elevation, and how the garage would look from the street, side elevation and floor plan for their proposed three-car garage, then the shop area. He added that the total square footage for the proposed garage would be 893 sq. ft. and the small shop area would be 140 sq. ft., making the total 1,033 sq. ft., but it was designed to fit into the footprint of the home. He continued to say that they were trying to add stairs for access into the basement. The Gils stated they had been in Highland since 2007, and they liked it and wanted to stay here and build their dream home on Liable Road. Aziza Gil added that Daniel collected tools, so needed the extra garage space and the shop to store them. She also stated that in their current garage, her vehicle is the only one that fits because of all the tools. They need the three-car garage because of the fact that one of their girls will be driving soon, so there will be three vehicles in the near future. Daniel added that the garage facing the street will give them a side load garage, which is the only way on this lot that will allow them to have a three-car garage. This is the reason the house gets pushed back and the garage is the primary entrance of the home. Daniel stated that the garage would have a second story and the space above the garage would become part of the home eventually, but that it would be unfinished initially. He continued to say that the garage would not necessarily look like a garage sticking out because of the second floor, it would have a window and would blend in with the home. He added that the garage would be 25' deep, which was more common these days and that they both had SUV's. They finished by saying that they had a lot of family close by and wanted to stay in Highland and added there are not many lots to choose from in Highland, so they were doing their best to build their dream home on this available property.

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. Thomas pointed out that the protrusion of the garage was almost double what some of the example photos were. Mr. Helms added that the space above the garage was in question as to whether it would count as living space or accessory structure if it was unfinished, and since Mr. Mika, the Building Commissioner, was not present, they might need to get that clarification. Mr. Gil stated that it was in their plans to finish the space 100% and that it would have HVAC added in the initial build. Mrs. Murovic and the rest of the Board members were in agreement to continue the hearing in April, in order to consult with Mr. Mika regarding the space above the garage and if the setback would be affected by that.

Mr. Thomas motioned to continue the hearing at the April 24<sup>th</sup>, 2024 BZA meeting. Mr. Helms seconded, and the motion passed unanimously with a 5 – 0 roll call vote.

**BUSINESS FROM THE FLOOR:** None.

**ADJOURNMENT:** Motion: Ms. Smith Second: Mrs. Murovic Time: 7:08 p.m.