

**HIGHLAND BOARD OF ZONING APPEALS**  
**Minutes of the Meeting of**  
**April 24, 2024**

The Highland Board of Zoning Appeals met in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322 on April 24, 2024. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Commissioner Wright.

**ROLL CALL:** Present were Commissioners Helms, Murovic, Smith, Thomas, and Wright. Also in attendance was the Town Council Liaison, Mr. Doug Turich, and the Town Attorney, Mr. John Reed

**MINUTES:** The minutes of the March 27, 2024, meeting were approved as posted.

**ANNOUNCEMENTS:** The date of the next Board of Zoning Appeals meeting will be May 22nd, 2024.

**COMMUNICATIONS:** None.

**Old Business: Continued 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 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.

Mrs. Murovic asked if there was anyone present to represent this petition. Mr. Daniel Gil stepped forward and introduced himself and his wife, Aziza Gil. He stated that since the last meeting, they had changed the design of their proposed new construction and had gone with a more traditional, front-load, three-car garage and were now asking for only one variance for the total square footage of their garage, which had changed from 1,033 square feet with the original design, to 1,010 total square feet with the revised design. He added that they were requesting 290 square feet in addition to the allowed 720, to give them the tandem effect for the additional storage that they would require. Mr. Gil continued that they wanted to stay in Highland for various reasons explained in March's meeting, and that they were hoping to build the home and be in by this coming Christmas, although he had some doubts about that transpiring at this point. Mrs. Aziza Gil added that when they returned home from the last meeting, they reconsidered the plan and felt that this more traditional design would be best

for them, it would also fit the lot better and fit in with the neighborhood in a more appropriate way than the other design did. She added that they wanted to utilize the extra storage space with the double-open tandem design in the garage instead of adding a shed at a later date, and they also felt it would look much better and be tidier to have it all contained inside than adding a shed to the outside. They also stated that they wanted to keep the view they have of the woods and the trees in the back as green space, rather than spoiling it with a shed. Mr. Gil added that it would be much more aesthetically pleasing for the neighborhood this way. He finished by saying that the new design met the setbacks and brought the house forward quite a bit to give them additional yard and green space in the rear and was also more in line with the other nearby homes.

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 what the total square footage of the new garage would be. Mr. Gil responded that it would be 1,010 square feet. Mr. Thomas asked what would be stored in the extra garage space. Mr. Gil responded that they would be storing outdoor lawn equipment and possibly one day, he hoped, a classic muscle car. Mrs. Murovic confirmed that the space would be used strictly for personal items, and there would be no construction equipment stored there, as he was in the construction business. Mr. Gil replied that he would not be storing any construction equipment or materials in the home garage, and that he was a Construction Manager, so there would be no need for him to do so.

Mr. Helms motioned to approve the developmental variance for the Gils garage to be constructed as the new design showed, at 1,010 total square feet, which was 290 square feet over the allowance of 720 square feet. Ms. Smith seconded, and the motion passed unanimously with a 5 – 0 roll call vote.

**New Business: Public Hearing for Hani Abu Eid, 2020 E 109<sup>th</sup> Place, Crown Point, IN,** requesting a Use Variance to establish a Used Car Sales Dealership that sells 100% Used Cars at the location of 3949 Ridge Road. {HMC 18.45.30} (A) (57) Permitted Uses. The following listed uses and no others are permitted uses in a B-3 district: (A) Retail and service uses, as follows: (57) Motor vehicle sales, including servicing and repairs conducted in conjunction therewith, provided a minimum of 50 percent of the sales area is dedicated to new vehicle sales.

Town Attorney Mr. Reed had previously confirmed via email to recording secretary, Susan Rae, that this petitioner's Proof of Publication was published correctly, and in a timely manner. Susan Rae had also previously received proof and a photograph from Code Enforcement Officer, Mr. Carl Porter, of the correct and effective sign posting.

Mrs. Murovic asked if there was anyone present to present the petition. Attorney, Mr. Mark Anderson of Anderson and Anderson, P.C., 9211 Broadway, Merrillville, IN 46410, stepped forward and introduced himself and said he would be representing the petitioner. He added that the owner of the property was OLB, LLC, and that they consented to this Use Variance appeal by Mr. Eid. He continued that the car sales in question would be 100% pre-owned vehicles, adding that it was a B-3 zoned district and had been vacant for 4 years since Fannie May had ceased doing business there. It had caused a hardship for the owner of the property, and he was here this evening to discuss the difficulties they had encountered in trying to find

a new tenant for this property. He stated that the petitioner was experienced in pre-owned vehicle sales, and he owned several other successful pre-owned vehicle sales locations and that his location in Merrillville sells approximately 30 – 50 cars per month, averaging about 3 to 5 customers per day. He continued that the customers usually shopped online first and knew exactly what they were looking for by the time they arrived at his dealership; because of this, they did not anticipate much in the way of increased traffic flow at the location, due to the limited activity. He stated that the petitioner was a premier broker for banks such as Capitol One, so could provide financing immediately at the location where he conducts business, and also works with the Indiana Secretary of State to ease the issuing of title documentation. He then spoke about the work Mr. Eid planned to do to refresh the exterior of the building and the parking lot, referring to the packets he had provided to the Board showing the property as it exists and how it would look with the proposed changes. He then gave more details, saying this would include painting the exterior of the building, adding new LED lighting that would meet all the current Town Code requirements for minimizing excess light pollution, and sealcoating the parking lot with asphalt. In the interior of the building, he planned to paint, add new flooring, LED lighting, along with new furniture and computer touch-screen technology, in order to avoid much of the mundane pen and paper signing, which could be taken care of with this computer technology. Because of the fact that they were aware that this business may be a sensitive issue, Mr. Anderson added that the petitioner would be happy to have a condition included with his Use Variance that would state that there would be no repair service activities performed at this location, as he had another location where any repairs could be completed. Mr. Anderson then stated that Mr. Eid would also be willing to have a condition stating that the Use Variance be provided to the petitioner, to his affiliates and to his family members only and to no others at this location, which would eliminate any potential future issues with permanently providing this kind of a Use Variance. Mr. Anderson then asked one of the owners to elaborate on some of the hardships that they had faced in trying to find suitable businesses to work at this location.

Mr. Peter Scannell, Senior Vice President of Mid-America Asset Management, Inc., One Parkview Plaza, Oakbrook Terrace, IL 60181, stepped forward and introduced himself. He continued to explain that his company owns the portfolio of Fannie Mays and the unique thing about these corners, which almost all of them are on, is that in their prior life back in the 1950's they were all service stations. The portfolio consisted of 25 free-standing buildings, all of which were former service stations. When Fannie May bought these properties and opened the candy stores, they went into bankruptcy and his company partnered with a candy company to buy the real estate and Fannie May got the intellectual properties division. Since Fannie May didn't choose to keep this particular location, it had been a challenge for them because of its proximity to the corner and the way it faces out towards the corner, but the configuration of the land doesn't necessitate things like coffee shops, but you can't get the cars stacked correctly to get it through the Village Hall. They have had interested parties with businesses such as service stations, fireworks, tobacco and vape shops, but there were problems with most, usually to do with size of lot and parking. He added that they had spent approximately 9 months to a year and a half obtaining an NFR (No Further Action) letter, which was a big expense for them. He added that the service station wasn't their first choice, but this petitioner has a proposal that is low parking intensive and wouldn't generate any back up into the arterial streets. He continued that they had gone down the road with at least a dozen different options for this property since the property was vacated and admitted that it was a busy corner, but that they felt this used car sales use would be an effective one at this property.

Mr. Danek Znika, a Realtor-Broker with Brokerworks Real Estate Group, 9 Lincolnway, Valparaiso, IN 46383, stepped forward and introduced himself and stated he was also representing Mr. Eid. He continued to state that the best use for this property was a car dealership just because of the ingress and egress on the lot. He stated that Mr. Eid would be operating during the hours of 10:00 a.m. – 7:00 p.m. Monday through Friday and 10:00 a.m – 6:00 p.m. Saturdays. Because of the hours, they would avoid the morning rush hour traffic because the property is closed, and because the business would be open until 7:00 p.m., the business would close well after the evening rush hour. He then stated it would be closed on Sundays, so there would be no traffic going in and out on Sunday. The business would be point-of-sale, with approximately 3 – 10 customers on a good day, and the building is 1,855 square feet. Since there were approximately 30 parking spaces for a building this size, he felt the property didn't lend itself to accommodate any other business other than this used car sales dealership. He added that it made more sense that the lot with the parking spaces be used for inventory, rather than a busier business that actually needed the parking spaces for customers. Mr. Znika explained that Mr. Eid has had another business in Merrillville for the past 10 years and was a successful businessman. He added that Mr. Eid wanted this Highland location to be his flagship dealership, with all models dating from 2018 to 2023, and all being higher end vehicles. He added that the requirement of the Town Code stating that 50% of the vehicle sales be new cars was not feasible on this corner because of the space requirements that would present. He continued to say that he felt the purpose of this rule would be to make the car sales of a higher caliber, and that is exactly what Mr. Eid would be doing, with none of the cars being more than six years old. He went on to say that since it is a main thoroughfare in Highland, that they wanted it to present as such, and pointed out that currently it is not; it is an eyesore. When his client comes in and makes the capital improvements he plans, it will be much improved with nice landscaping and it will be well lit, which will deter any questionable activities there. He concluded that they felt that this use would be an asset to Highland and to its residents.

Mrs. Murovic opened the meeting to the public. Hearing no remonstrance, she closed the public meeting and brought the discussion back to the Board. She also pointed out that this was a Use Variance, and the Boards' purpose this evening was to give a recommendation to the Town Council, and that it would be ultimately up to the Town Council to make a final determination for this use.

Mr. Helms stated that the Board appreciated that this was a difficult property, but that this use was something that they had seen a lot and there were several others in Highland that were also difficult to find the right use for. He added that other businesses had been turned down by the Board because they didn't feel it was the right use for the Town. He stated that this was not a unique situation for them. Mrs. Murovic stated that the property was one of the entrances into the Town and that she didn't see any of the improvements they had mentioned making a lot of difference to this property. She continued to say that sealcoating the parking lot wasn't necessarily a capital improvement, and that she would consider this to be maintenance of a parking lot, and the bare minimum, at that. Mr. Znika replied that even though his client wasn't making a major investment by tearing down the building and other major construction, he was willing to make improvements to the lot and the building that would make it much less of an eyesore than it currently was. He also pointed out that his client didn't own the building or property, but he was willing to make a substantial investment because he wanted it to be presentable. Mrs. Murovic stated that since Mr. Eid

wanted this to be a flagship store, the proposed improvements didn't seem enough to really improve that corner, and they wanted more than just a reduced eyesore for an entrance into the Town. She felt there were not sufficient capital improvements to make a significant difference and pointed out that there was not room for 50% new car sales on this property, so it wouldn't qualify for car sales. Mr. Znika pointed out that there had been so many others interested in this property, and that a coffee shop might be a much more pleasing business to see at an entrance to the Town, but that they just would not fit there, due to the size of the lot and the parking situation. He added that it may be a very long time before another use would work as well as this one. Mr. Anderson added that they would be happy to make a condition with the Use Variance that the business sell only cars that were 6 years old or less, and they all be high-end vehicles. Mr. Znika stated that a concern he had heard mentioned previously was about the trucks delivering the vehicles. He said they had considered that not to be a problem because the ingress and egress access was ample to accommodate the trucks, and all the deliveries made would be after hours, so it would not affect the traffic flow. They also felt there was plenty of room in the parking lot itself for a large truck to get from one side to the other and still had room for cars to get by if needed. Mr. Znika also mentioned that when they were at the property previously, for a total of approximately 45 minutes, about 4 or 5 cars cut through the property to bypass the lights and that their business would help to prevent that from happening. Mr. Scannell stated that the part of the existing property with the landscaping that was located on the outside corner was owned by the Town and was not part of the property his company owned.

Commissioner Smith made a motion to give an unfavorable recommendation to the Town Council for the Use Variance requested by Mr. Hani Abu Eid for the Used Car Sales Lot at 3949 Ridge Road. Commissioner Thomas seconded, and the motion passed unanimously with a 5 – 0 roll call vote.

**New Business: Public Hearing for William Techentin, 3321 George Street, Highland, IN,** requesting a Variance for his attached garage in his proposed new Single-Family Residence at 2716 40<sup>th</sup> Street, 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 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.

Town Attorney Mr. Reed had previously confirmed via email to recording secretary, Susan Rae, that this petitioner's Proof of Publication was published correctly, and in a timely manner. Susan Rae had also previously received proof and a photograph from Code Enforcement Officer, Mr. Carl Porter, of the correct and effective sign posting.

Mrs. Murovic asked if there was anyone present to present the petition. Mr. William Techentin, 3321 George Street, Highland, IN, stepped forward and introduced himself. He stated that he was a 40-year resident and had 5 kids that had been educated in the Highland school system, and two were still in school, the youngest was just 10. He continued to say

that his wife didn't want to leave Highland, but they had a problem because he is disabled now, he retired early at 55, and was not sure with his condition if he would be in a wheelchair in 10 years, or not. Their current home was not handicapped ready, so their plans were to build their forever home in Highland, make it handicapped accessible, and finish raising their kids in Highland. He continued to say that in almost all newly designed homes that have a master bedroom on the first floor, there is living space behind the garage, and that is the reason the garage is set in front of the house, and he added that it is only extending in front of the primary façade approximately 8'. He said there will also be a nice, white railing added to the front porch, which will make the house stand out a little bit more. He stated that in regard to the accessory structure, he was only 10 square feet over the allowed 720, with a total of 730 square feet, which is 4" on the front section of the garage. He then stated that his architect had passed away 4 months ago, and he really didn't want to have to go through with getting new drawings because of 4" on his garage to meet the 720 square feet allowance.

Mrs. Murovic opened the meeting to the public. Hearing no remonstrance, she closed the public meeting and brought the discussion back to the Board.

Commissioner Wright asked Mr. Techentin if he had any plans in the future to build a ramp for handicapped accessibility. Mr. Techentin replied that it was his understanding that his concrete drive and walk would be poured to meet the porch for accessibility, so there would be no need for a ramp in the future. He then said that was another reason he did not want to move the garage back, because as long as it stayed approximately 8' out, he could also have accessibility into the garage with the entry door that is off the porch. Mrs. Murovic stated that the porch comes out 8' from the primary façade of the home, then asked Mr. Techentin how much further the garage extended from the porch. He replied that it was 5'. Mrs. Murovic pointed out that in that case, the garage actually extended from the primary façade by 13', not 8' as had originally been mentioned. Mr. Thomas mentioned that, since the porch would be covered with a roof, it would minimize the effect. Mr. Reed added that he felt it could be interpreted as 8' rather than 16' because the porch came out 8' and it was covered with the roof. He added that there was a section of the drawing that indicated the distance the garage extended past the porch was 8', making the total 16'. Mrs. Murovic agreed that the total distance was actually a 16' protrusion past the primary façade of the home but could be interpreted as 8' due to roof covering the 8' porch.

Commissioner Thomas motioned to grant the Variance for exceeding the garage accessory structure square footage allowed by 10 feet, for a total of 730 square feet. Commissioner Helms seconded and the motion passed unanimously with a 5 – 0 roll call vote.

Commissioner Thomas motioned to grant the Variance for the garage setback requirement as stated in the drawings submitted by the petitioner, Mr. William Techentin. Commissioner Helms seconded and the motion passed unanimously with a 5 – 0 roll call vote.

**BUSINESS FROM THE FLOOR:** None.

**ADJOURNMENT:** Motion: Mr. Thomas Second: Mr. Helms Time: 7:17 p.m.