

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
May 22, 2024

The Highland Board of Zoning Appeals met in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322 on May 22, 2024. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Commissioner Murovic.

ROLL CALL: Present were Commissioners Murovic, Smith, and Thomas. Also in attendance were the Building Commissioner/Zoning Administrator, Ken Mika, and the Town Attorney, John Reed. Mrs. Murovic pointed out to the petitioners that there were two commissioners absent at this evening's meeting and gave them the option to postpone the public hearing until next month's meeting in June. She also added that any decision reached by the Board this evening would have to be unanimous. The petitioner, Jessica Banke said she would like to continue with her hearing for May.

MINUTES: The minutes of the April 24, 2024, meeting were approved as posted.

ANNOUNCEMENTS: The date of the next Board of Zoning Appeals meeting will be June 26th, 2024.

COMMUNICATIONS: None.

Old Business: Approval of Findings of Fact 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.

Commissioner Thomas motioned to approve the Findings of Fact for Michele & Trevor Parsley, 8817 Woodward Avenue, Highland, IN. Commissioner Smith seconded the motion, and it was passed unanimously with a 3 – 0 roll call vote.

Old Business: Approval of Findings of Fact 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.

Commissioner Thomas motioned to approve the Findings of Fact for Kashmira Makwana, 9911 Southmoor Avenue, Highland, IN. Commissioner Smith seconded the motion, and it was passed unanimously with a 3 – 0 roll call vote.

Old Business: Approval of Findings of Fact 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.

Commissioner Thomas motioned to approve the Findings of Fact for Robert Crowel, 8925 Arbor Hill Drive, Highland, IN. Commissioner Smith seconded the motion, and it was passed unanimously with a 3 – 0 roll call vote.

Old Business: Approval of Findings of Fact 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.

Commissioner Thomas motioned to approve the Findings of Fact for Daniel & Aziza Gil, 3349 Franklin Avenue, Highland, IN. Commissioner Smith seconded the motion, and it was passed unanimously with a 3 – 0 roll call vote.

Old Business: Approval of Findings of Fact for Hani Abu Eid, 2020 E 109th 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.

Commissioner Thomas motioned to approve the Findings of Fact for Hani Abu Eid, 2020 E 109th Place, Crown Point, IN. Commissioner Smith seconded the motion, and it was passed unanimously with a 3 – 0 roll call vote.

Old Business: Approval of Findings of Fact for William Techentin, 3321 George Street, Highland, IN, requesting a Variance for his attached garage in his proposed new Single-Family Residence at 2716 40th 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.

Commissioner Thomas motioned to approve the Findings of Fact for William Techentin, 3321 George Street, Highland, IN. Commissioner Smith seconded the motion, and it was passed unanimously with a 3 – 0 roll call vote.

New Business: Public Hearing for Jessica Banke, 2943 Ross Street, Highland, IN, requesting a Variance to install a fence beyond the building lines at 2943 Ross Street. 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.

Commissioner Murovic asked if the Proof of Publication was in order. Mr. Reed replied that the Proof of Publication was published correctly and in a timely manner. Mr. Mika confirmed that the sign was also posted on the property accordingly.

Mrs. Murovic asked if there was anyone in attendance to present this petition. Mr. Wayne Hays, 8905 Parrish Avenue, Highland, IN, stepped forward and introduced himself as the petitioner's stepfather. He continued to say that Jessica wanted to put a 4' picket fence in her yard. The hardship she had was that she had an autistic, non-speaking child, 6 years of age, that needed a safe place to play. They were asking for the fence to be set back from the sidewalk by 2'.

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

After discussion regarding the location of the fence, Commissioner Thomas motioned to approve the variance for a 4' picket fence, set back from the sidewalk by 3'. If, in the future, a 6' privacy fence was to replace the 4' picket fence, a 45-degree angle by the driveway/garage would be needed for added visibility. Commissioner Smith seconded the motion passed unanimously with a 3 – 0 roll call vote.

BUSINESS FROM THE FLOOR: None.

ADJOURNMENT: Motion: Smith Second: Thomas Time: 6:46 p.m.