

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
June 26, 2024

The Highland Board of Zoning Appeals met in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322 on June 26, 2024. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Commissioner Smith.

ROLL CALL: Present were Commissioners Helms, Murovic, Smith, and Wright. The Building Commissioner/Zoning Administrator, Ken Mika, Town Attorney, John Reed, and Town Council Liaison, Doug Turich, were also in attendance.

MINUTES: The minutes of the May 22nd, 2024, meeting were approved as posted.

ANNOUNCEMENTS: The date of the next Board of Zoning Appeals meeting will be July 24, 2024.

COMMUNICATIONS: None.

Old Business: Approval of Findings of Fact 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 Helms motioned to approve the Findings of Fact (which included the specification that if the fence changed in type or height in the future, a 45-degree angle would be required near the garage/driveway) for Jessica Banke, 2943 Ross Street, Highland, IN. Commissioner Smith seconded the motion, and it passed unanimously with a 4 – 0 roll call vote.

Old Business: Revisit Hearing 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.

Mrs. Murovic asked if there was anyone present to represent the petitioner. 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 this petitioner. He continued to say that at the Town Council meeting of June 10th, they had presented updated renderings for the building improvements. The Town Council had then said they would like the matter to be brought back to the Board of Zoning Appeals for further review of the updated plans. He pointed out that the new design was a black, sleek, hardy board exterior and that they had increased the height of the building to increase the presence and the visibility of the building. He added that there would also be new LED lighting in the parking lot, as well as interior lights that would be able to reflect and show this new building. He said that their goal was to take an eyesore of a property and turn it into an eye-catching focal point for the entire area. Mr. Anderson added that the property had been sitting vacant for four years now, and the owner was anxious to get the property leased and to move forward with this project. He stated that this petitioner and this use had the ability to properly modernize and upgrade the building, and the ability to fund these improvements. He added that they would be willing to make this use conditional and applicable to this petitioner, and his companies and family only.

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 the building was very nice, but that wasn't the problem the Board had with this petition. The problem the Board had during the last hearing was the use. This use for this corner was not part of their plan for Highland and it wasn't a strong enough reason to go against an existing statute. He then stated that this new plan does not change the initial feeling that this use does not meet the plans for the Town of Highland. Mrs. Murovic agreed. She added that the use did not meet the Master Plan for Highland and the limited space would prove challenging for loading and unloading vehicles.

Mr. Anderson added that they did plan to do the loading and unloading of vehicles at night in the off hours, to minimize any obstacles with traffic and that he understood that there was a Master Plan in place, but that was why they were applying for the special use variance, which

allowed for specific conditions which show there is a good use in this case. He felt their case showed this and would increase the focal point of this area with a great building. He stated again that right now, it is an eyesore, and with this petitioner, they have the money to make it into a beneficial and attractive addition to the Town. Realtor Danek Zanica stated that it was a difficult property because the back of the building was the back edge of the property, which made it difficult for drive-throughs, and also the building was a relatively small size at 1,800 square feet, compared to the parking area, which had over 30 spaces. For most retail uses, this was much more parking than would be needed. This use was a perfect solution for the retail to parking ratio, since the inventory was outside and point of sale was inside. He added that most of the process with customers is done online now, they just show up to test drive and purchase. He also pointed out that delivery for used vehicles was not like new car deliveries. There would only be possibly 2 or 3 vehicles that would show up on a flatbed truck, which they felt there was plenty of room for at this location. He stated that the business would not be open on Sundays and the rest of the weekdays, the business hours would be 10:00 a.m. to 7:00 p.m. They really felt this was the best use for this property.

Mrs. Murovic pointed out that during the last four years that this property has been vacant, there has been a lot going on with the co-vid pandemic, which must be taken into consideration. Also, when customers are at the building for the point of sale, there would be test drives occurring, which would take people through the neighborhood, and that may be an undesirable addition to the nearby residential areas.

Mr. Helms motioned to give an unfavorable recommendation to the Town Council for the second time for this use variance request. Mr. Wright seconded, and the motion passed unanimously with a 4 – 0 roll call vote.

New Business: Public Hearing for Zbigniew Gula, 124 Arthur Avenue, Hobart, IN 46342, requesting Variances for Lot Area, Lot Width, and Garage Setback to build a new Single-Family Residence at 8134 Wicker Park Drive. {HMC 18.15.060} (C) (1) Minimum Lot Size in an R-1 Residence District. Minimum lot size requirements for an R-1 district are as follows: Every one-family detached dwelling hereafter erected and every transitional use permitted in this zoning district hereafter established shall be on a zoning lot having a minimum area of 7,200 square feet, a minimum width of 60 feet at the building line and a minimum lot depth of 120 feet. A lot of record existing on the effective date of the ordinance codified in this title which is less than 7,200 square feet in the area, less than 60 feet in width, or 120 feet in depth, may only be improved by a variance for the Board of Zoning Appeals. 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. {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 Mr. Reed if the Proof of Publication was in order for this petitioner. Mr. Reed responded that it was published correctly and in a timely manner. Mr. Mika also confirmed that the sign was posted accurately.

Mr. Zbigniew Gula stepped forward and introduced himself. He stated he was hoping to build a new single-family residence on this lot where a home used to exist but had burned down some years ago. He continued to pass out a survey of the property, showing the proposed new construction, along with the house design plans. He added the home would be set in the middle of the property and the garage would be attached. The old, existing detached garage would be demolished. He stated he knew that, according to the current codes in Highland, the land was not buildable, due to the fact that it did not meet the total square foot area requirement, or meet the width requirement. He went on to say that his home design would more than meet the side setback requirements with 10' on either side. He felt the neighbors would not complain about that! He concluded by saying that he was open to any design changes the Board suggested or recommended.

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 Helms confirmed that the existing garage would be torn down, and the new garage would be attached to the new single-family home. Mr. Gula confirmed that the existing garage would be demolished and pointed out that the old one was very close to the property line now, so the new design with the 10' setbacks would be a big improvement. Mr. Gula also stated that the front entrance would be covered, so the garage would extend 6' past the main façade of the house.

Commissioner Helms motioned to approve the Lot Width variance request. Commissioner Smith seconded, and the motion passed unanimously with a 4 – 0 roll call vote. Commissioner Helms motioned to approve the Lot Area square footage variance request. Commissioner Wright seconded and the motion passed unanimously with a 4 – 0 roll call vote. Commissioner Wright motioned to approve the variance request for the Garage Setback variance request. Commissioner Helms seconded and the motion passed unanimously with a 4 – 0 roll call vote.

BUSINESS FROM THE FLOOR: None.

ADJOURNMENT: Motion: Helms Second: Smith Time: 6:58 p.m.