

**HIGHLAND BOARD OF ZONING APPEALS**  
**Minutes of the Meeting of**  
**July 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 July 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 Helms.

**ROLL CALL:** Present were Commissioners Helms, Murovic, Smith, and Thomas. The Building Commissioner/Zoning Administrator, Ken Mika, and the Town Attorney, John Reed, were also in attendance.

**MINUTES:** The minutes of the June 26th, 2024, meeting were approved as posted.

**ANNOUNCEMENTS:** The date of the next Board of Zoning Appeals meeting will be August 28<sup>th</sup>, 2024.

**COMMUNICATIONS:** None.

**Old Business: Approval of Findings of Fact 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.

Mr. Reed stated that the Findings of Fact for this Use Variance had not been prepared and that he would have them prepared for review at the next BZA meeting of August 28<sup>th</sup>, 2024. Mr. Mika stated that a certification letter would be sent to the Town Council to state that these Findings would be memorialized at the next meeting of the Board of Zoning Appeals on August 28, 2024.

**Old Business: Approval of Findings of Fact 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.

Commissioner Helms motioned to approve the Findings of Fact for Zbigniew Gula, 124 Arthur Avenue, Hobart, IN 46342 in regard to 8134 Wicker Park Drive for the Lot Area, Lot Width and Garage Setback to build the new SFR. Commissioner Smith seconded the motion, and it was approved by a 4 – 0 roll call vote.

**New Business: Public Hearing for Douglas & Jacki Bush, 9145 Liable Road, Highland, IN 46322**, requesting a variance to build a second garage at 9145 Liable Road, measuring 24' Wide x 30'Deep (720 square feet), which would bring them over the accessory structure total allowance when combined with their existing garage of 440 square feet (total accessory structure at this property would be 1,160 square feet). {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. (7) Accessory Structures in Certain Districts. In R-1A, R-1, R-2, or R-3 zoned districts, accessory structures shall number no more than two, including attached garages.

Mrs. Murovic asked Mr. Reed if the Proof of Publication was in order. Mr. Reed responded that it was and had been published correctly and in a timely manner. Mr. Mika confirmed that the sign had also been posted correctly on the property.

Mrs. Murovic asked if there was anyone present to represent this petition. Doug and Jacki Bush, 9145 Liable Road, Highland, IN, came forward and introduced themselves and stated that they would be presenting their petition.

Mrs. Jacki Bush stated that they were seeking a variance to construct a second garage on their property at 9145 Liable Road. They wanted to keep their original garage of 440 square feet in the same location and add a new roof and siding to match the house. They were asking to build the second garage at 720 square feet, which would bring them to a combined square footage of 1,160 square feet for both garages. The accessory structure allowance was only 720 total square feet per property. She continued to explain that they originally wanted to expand their first garage to meet their needs but were not allowed to do so because it was located on the right of way of the Cady Marsh Ditch. She indicated to the Board that she had included drawings of the proposed location and positioning of the new 30' x 24' garage in the packets that she had previously passed out. She added that their current garage was not an adequate size to house two full-sized vehicles by today's standards. She also stated that the current existing garage would remain in the same location, which was legal non-conforming, and after the remodeling they planned to do, would house their lawn and snow equipment, bicycles, etc. for their own personal use. She continued to say that they have over one acre of land on their

property, which allowed plenty of room for the additional structure and added that this additional structure will not affect any other residential properties adversely.

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

Commissioner Murovic asked what the height of the new garage would be. Mr. Doug Bush responded that it would be 13' high, according to the drawings. Commissioner Helms asked why the garage would be sitting at an angle. Mrs. Jacki Bush responded that because of the way the driveway comes in off the side of the house, and it was quite a distance from the house, she wanted it to be a nice flow into the garage, rather than a sharp turn. She added that she also chose this angle because of the location of the windows on the house; she wanted a clear line of site right through the back yard, to the fence. Commissioner Helms asked what the hardship was, and why their current garage was not sufficient for their needs. Mr. Bush explained that the current garage was only 20' wide. With two vehicles in it side by side, there was no room for his riding lawn mower and other equipment, or any of their other personal belongings, such as bicycles, etc. Mrs. Bush added that the frame of the overhead door was too short for them to park their vehicles, which were an SUV and a truck. Mr. Bush stated that the height of the door was only 6'-6", so their vehicles would not fit. Commissioner Murovic asked if there were any other accessory structures on the property. Mr. Bush responded that there was one old shed existing on their property, but that he planned to demolish it, because only two accessory structures were allowed. Commissioner Helms asked if the new garage would match the house as far as color of the siding, type of roofing, etc. Mrs. Bush responded that she was planning on shopping for the siding the next day, and that it would match as closely as possible and would be aesthetically pleasing.

Commissioner Helms motioned that the developmental variance for the additional garage be approved, contingent upon it matching the house as closely as possible, that it be used for personal use only, and that the existing shed be demolished once the new garage has been completed. Commissioner Thomas seconded and the motion passed unanimously with a 4 – 0 roll call vote.

**BUSINESS FROM THE FLOOR:** None.

**ADJOURNMENT:** Motion: Thomas Second: Helms Time: 6:46 p.m.