

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
April 23, 2025

The Highland Board of Zoning Appeals met in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322 on April 23, 2025. Commissioner 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, Smith, Thomas, Wright, and Murovic. Also present was the Building Commissioner/ Zoning Administrator, Ken Mika, Attorney Scott Bilse, filling in for Town Attorney John Reed, and Town Council Liaison, Doug Turich.

MINUTES: The minutes of the January 22nd, 2025, meeting were approved as posted.

ANNOUNCEMENTS: The next Board of Zoning Appeals meeting will be held on May 28th, 2025.

COMMUNICATIONS: None.

OLD BUSINESS: None.

NEW BUSINESS: Public Hearing for Osborne Storage LLC, 3323 NE 163rd Street, Suite 506, North Miami Beach, FL, requesting a Variance for a building mounted sign at Osborne Storage LLC, 8621 Osborne Avenue, Highland, IN. The proposed sign would exceed the maximum height requirement of four feet. {HMC 18.85.030 (B) (3) (a) Sign Types. Permanent Business Signs. Size. For single-use buildings, permanent business signs shall not exceed four feet in height and the width of the single-use building, less two feet on either side of the said sign.

Commissioner Murovic asked Mr. Bilse if the Proof of Publication for this hearing had been advertised correctly. Mr. Bilse confirmed that it had been published correctly and on time. Mr. Mika also confirmed that the sign had been posted on the property correctly.

Attorney Scott Yahne, 3 Lincolnway, Ste 201, Valparaiso, IN 46383, stepped forward and stated that he would be representing Osborne Storage at this hearing. He continued to say the sign would be a building mounted sign on the new Osborne Storage facility that is going up at 8621 Osborne Avenue. He also mentioned that his client was Mitch Feldman, whom he had represented on another project at a different location in Highland. Mr. Feldman had actually purchased this facility and completed the development. He had remained interested in the community and opportunity after his last attempt to secure a storage facility in Highland, and then this opportunity became available for him. He stated that where this sign falls out of the ordinance requirements is in the height. He said the bulk of their sign is 4' 6", but the true measuring point is 5' 8 ½" when you allow for the lower letters that fall below the rest, for example, there is a "p" and a "g". Even

though it is only 6" over the requirement for the bulk of the sign, he pointed out that they would really like to keep the extra 6" in height. Mr. Yahne added that the full sign plan had been passed out to the Board members, and that they had met all the other zoning criteria for the sign required by the ordinance. He continued to explain that his client felt it was important to have the extra height due to the fact that the sign was situated a significant distance from Indianapolis Boulevard between two other businesses, so they felt the visibility of the sign would be enhanced by additional height. They also felt that the sign would help people find the business, due to the fact that it was tucked away behind other businesses. He also stated that the sign would not be looking into anyone else's yard, it was back far enough and facing out into the business area. They also felt that people driving on Ridge Road would have a better idea of where to turn for Osborne Avenue to get into the business safely. Mr. Yahne then listed the criteria they had to meet per the ordinance, firstly that the Administrator, Ken Mika, had determined that a variance of use was not required. That was achieved by the BZA's prior approval of the use variance for the storage facility itself, thus it was an approved use in this area. The second criterion concerned public health, safety and general welfare. He continued to say that they did not see any adverse consequence in that, only that it would allow motorists to navigate to the site and give them better visibility, mentioning also that they did not feel there would be a great deal of traffic at any one time, but those that were looking would have a clear pathway from a public safety standpoint. They felt that this second factor of public safety was served by having the sign. He then added that they felt they should be given some relief from strict application because of their unique circumstances. Even though they were in the Indianapolis Boulevard Overlay District, they were set back so far that they didn't have the advantage of other businesses nearby that were located right on the main street. They felt that since the Board had approved their commercial business for this district by granting them the use variance, they needed a little help with the visibility of the business, which this sign would offer. They have the peculiarity of not having direct access to Indianapolis Boulevard, but there is a little gap between the Purple Steer and the Walgreens, so Mr. Yahne felt that the business would stand out a little more once that sign was there, filling the gap. Mr. Yahne concluded by saying that this business would be a benefit to the Town, that it would be a big capital investment and would generate tax revenues for Town. It was a good use of the property that was previously vacant, and he felt that this use would be a good community participant going forward. On the basis of what had been presented he was respectfully seeking approval from the Board for their petition.

Commissioner Murovic opened the discussion to the public and asked if there were any questions or comments from the floor. Hearing no remonstrance, she closed the public meeting and brought the discussion back to the Board. Commissioner Helms asked if there was a percentage of people that see a sign and go in or is it more likely that people have found it online. Mr. Yahne responded that it is primarily people who have found it online. There was some drive-by business, but the bulk of it is from people who had done some searching online first. He added that in this instance, the sign would help way-finding people who do intend to get there, and just having some awareness through the community, to know it is back there and make it stand out, would be beneficial. Mrs. Murovic pointed out that she finds almost all locations she is searching for through

Google Maps or Map Quest. Mr. Yahne agreed and said when he first drove there, he did use those sites as well, but when he turned on to Osborne, he asked himself if this was the right place, so he felt that a visual cue such as a sign would be an advantage and would help in that last leg of the trip.

Commissioner Thomas asked what the hardship for the variance was. Mr. Yahne responded that it was primarily the visibility, and the fact that they didn't have direct access to the Boulevard, as almost all the other businesses in this commercial district had.

Commissioner Murovic stated that they had many other requests for storage facilities in the past that wanted to be located on Indianapolis Boulevard. She felt that the reason this use variance request was granted was because of the fact that they were tucked away and weren't going to be seen on Indianapolis Blvd. This way, the gateway could be softened, by not having storage facilities lining the streets. She stated that this was a commercial area that had been, in a sense, given up for commerce trade. She added that she wasn't aware of how much advertising was needed for a storage facility to be found, but that he may have a better idea of that. He replied that it was very important, and that the most important criteria for a customer to visit their facility was that they were comfortable, safe, welcome, well-lit, and that the property was maintained immaculately. He added that it actually becomes an extension of their home. They are storing their belongings there. Younger people are using these facilities more often now, which is why we are seeing them proliferate. Commissioner Murovic added that this particular area was buffered by a neighborhood, and not out on the main street, almost like they were keeping things in their own backyard.

Mr. Mika pointed out that part of the unique circumstances of this property that the use variance was granted for is that there are significant utility rights-of-way, both gas & electric, to the North, then there are railroad tracks to the East. This limited the type of businesses that could be viable on this property and this one just fit the bill. Commissioner Thomas asked how bright the sign would be and which way it would be facing. Mr. Mika responded that it would most likely be LED with normal illumination and with the elevation, the sign would be facing toward the commercial area.

Commissioner Helms pointed out that this new sign ordinance is remarkably liberal compared to the previous ordinance and if they had appeared before the Board five years ago, there would be no question of granting approval for a sign this large, it would simply not have been considered.

Commissioner Wright motioned to deny the developmental variance request as presented for the sign at Osborne Storage, LLC. Commissioner Smith seconded, and the motion passed with a 4 – 1 roll call vote.

BUSINESS FROM THE FLOOR: None.

ADJOURNMENT: Motion: Mr. Thomas Second: Ms. Smith Time: 7:02 p.m.