

HIGHLAND BOARD OF ZONING APPEALS

Minutes of the Meeting of

September 24, 2025

The Highland Board of Zoning Appeals met in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322 on September 24, 2025. Commissioner Murovic called the meeting to order at 6:30 p.m. Commissioner Murovic then read aloud Enrolled House Bill 1167. Commissioner Thomas followed by leading the Pledge of Allegiance.

ROLL CALL: Present were Commissioners Smith, Thomas, Wright, and Murovic. Commissioner Helms was absent. Also present were Town Council liaison Doug Turich, and Town Attorney, John Reed. Building Commissioner/Zoning Administrator Ken Mika was not present.

MINUTES: The minutes of the July 23rd, 2025 meeting were approved as posted.

ANNOUNCEMENTS: The next Board of Zoning Appeals meeting will be held on October 22nd, 2025.

COMMUNICATIONS: None

OLD BUSINESS: None

NEW BUSINESS: Public Hearing for Gefferoi R. Guiton, 1906 Redwood Lane, Munster, IN 46321, requesting a Use Variance for a Virtual Reality Entertainment Center at 2939 45th Street, Highland, IN 46322. {HMC 18.35.040} Permitted Uses. This is not a listed, permitted use in a B-1 Neighborhood Business District.

Commissioner Murovic asked Mr. Reed if a Proof of Publication was received for this petitioner. Mr. Reed responded that it was received, published correctly and in a timely manner. Recording Secretary, Susan Rae added that the sign was posted correctly.

Commissioner Murovic asked if there was anyone present to represent this petition. Geoff Guiton, 1906 Redwood Lane, Munster, IN stepped forward and introduced himself to the Board as the petitioner. Ryan Leaf, 631 Hidden Oak Trail, Hobart, IN 46342, also stepped forward and said he was representing Geoff Guiton and was the landlord of the property at 2939 45th Street. Mr. Guiton handed out some material to support his petition. Mr. Guiton stated that he and Mr. Leaf wanted to review the planned vision and the site fit for this proposed Use Variance request and give an operations and safety outlook, the use of the property, point out the economic benefits to the community for allowing the Use Variance to occur, to touch on the five required findings for the property, and finally to propose the conditions and get the Board's feedback on how they might be able to get this to work.

He then stated that they wanted to use the property for a location-based entertainment center called Zero Latency, which is a virtual reality gaming center. The entire activity of the business would be held with headphones on inside of a building and the noise of the actual games that are being played exists on a headset worn by the participants. There would be no noise outside of the building and the operation would always have closed doors, so no noise would seep out. This would be an adaptive reuse of the previous retail center, which was the former Family Video business. There would be very few modifications internally or externally to the site, so there would not be unsightly construction outside for any period of time. He continued to say that the space was 7,045 square feet and that 5,800 of those would be for the purpose of the Use Variance. If they were allowed to proceed with this use, they would be reactivating a partially used store front. He added that the former business had been gone for a number of years, so it would be good to have some business and activity there. It would also support the adjacent businesses like dining and retail and would provide some options for entertainment. It would be a center that was youth and family friendly, with the typical age of patrons being 10 – 55 years old and upwards. He added that the hours of operation would be Sunday through Thursday until 10:00 p.m., with Friday and Saturday until 12:00 a.m., and that it would be a reservation-based business, so there would be no excessive crowding. The maximum capacity for game-playing would be about 42 at one time. He stated that most groups consist of around 3 to 4 players, so there would rarely be more than 10 – 15 cars parking in the lot in any given hour. Then Mr. Guiton mentioned that his staff is very well trained at this point and that he had been operating in Merrillville for a number of years. He plans to move the business to Highland if this use is approved. His staff would be keeping an eye on what is taking place inside and outside of the facility to maintain an orderly and safe operation and keep it secure. He mentioned that there would be some catering for food and beverages, but that was not the objective of the business, it would just be necessary for some of the larger groups and parties that would be gathering there. He stated that they would stay in compliance with all building and fire codes, have posted occupancy and proper ingress and egress, also sound would be kept to a minimum, but that the business would be silent for the most part. Mr. Guiton stated that an incident log would be kept by staff and if there were any issues that needed to be reported to authorities, they would be.

Mr. Guiton then went through the required findings. The business would not be injurious to public health, safety, morals and general welfare. He stated that it would be in a controlled environment, with cameras posted, and well-supervised at all times. There would be no substantial adverse effect on adjacent properties. He stated that they plan to enhance the store front with new signage, there would be modest traffic coming in and out, due to the fact that 60% of the business was by appointment, and the 40% walk in business was due to the fact that they are currently located in a mall. He added that nighttime safety would be increased with the activity and the fact that the store front would be well lit. Mr. Guiton added that the floor plan in this space was deep and wide-open, which is exactly what they needed to carry out the games successfully, and it would also complement the existing business on the property, Marco's Pizza. He then touched on the hardship, saying the space had been vacant for some time and then stated that Mr. Leaf would elaborate on this issue. Lastly, he stated that this use would activate a store

front on an existing commercial corridor, diversify family entertainment, especially for the younger community, it would create a safe and different type of entertainment for them, and the use would complement all the neighboring small businesses.

Mr. Ryan Leaf stated that he had been working with the owner of the property, Legacy Commercial Properties, for 12 years. He continued to say that as a district manager, he had closed the Family Video store in 2021, and this particular space had been a difficult one to tenant for a few reasons. One was that they wanted a tenant that would survive and be a good custodian of the property, pay the rent on time, and that would be a good co-tenant to Marco's Pizza. He added that they had gotten a lot of interest, but most that inquire were not the type they desired, such as liquor stores, tobacco shops, bait shops, etc. They were pickier for this location, due to the fact that they own Marco's Pizza next door and did not want those types of businesses next to it. He added that they had also been approached by childcare businesses, but that there was a lack of outside space to allow for that. Mr. Leaf stated that he had been in touch with Mr. Guiton for about a year and that he had passed their rigorous background checks, checking all the boxes, and they had confidence that he would be a good custodian of their property, having the capital to survive there, pay the rent and operate a professional, clean business. They also felt there would be synergy with Marco's Pizza and the two would complement each other perfectly. He stated that this use would fill a void in that area, and that there was nothing else that would compare to this business. He felt that the business would only grow and adapt and integrate with AI and would be around for a long time. Lastly, he pointed out that any concerns about gathering groups on this property, considering it is adjacent to a residential area, were unfounded, due to the fact that there would be no outside noise and there would be no significant traffic coming and going.

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 Smith asked what the maximum occupancy would be. Mr. Guiton replied that there were 42 gaming spaces, but the maximum occupancy was about 75. Commissioner Thomas asked how many parking spaces the property had. Mr. Guiton responded that there were 40 spaces. He reiterated that they would typically work with groups of 3 to 4 people, and the majority of the business operated with reservations. Commissioner Thomas asked what the hours were at his Merrillville location. Mr. Guiton said they were mall hours, Sunday was 11 – 6; Monday through Thursday was 11 – 8 and Friday and Saturday were 10 – 8. Commissioner Thomas asked if he would be willing to change the hours on Friday and Saturday to close at 10, the same as they were Monday through Thursday. Mr. Guiton responded that the majority of their players were between the ages of 25-45, and they are at work during the earlier hours. When they get home at around 6 or 7, and then the business closes at 8, it really limits their busiest hours. He added that there is an influx of people that play between 6 & 8, then more arrive around 8 and cannot play because they are closing. For this reason, they really want to extend the hours on Friday and Saturday for those patrons. Commissioner Thomas asked what the hours were for Marcos Pizza. Mr. Reed confirmed that Marcos Pizza was open until 12:00 a.m. on Friday and Saturday, and 11:00 p.m. the rest of the week. Commissioner Thomas asked what other gaming places there were in downtown Highland. Mr. Turich responded that

there was one, but it was a completely different type of gaming business, which was station based, whereas this would be virtual reality. Commissioner Thomas asked how many customers would be anticipated between 10:00 p.m. – 12:00 a.m. Mr. Guiton said that it would start dying down during the 10:30 – 11:00 time frame, and that they may well adjust the hours to the flow in the future. Commissioner Thomas asked how many different rooms there would be for the virtual entertainment. Mr. Guiton answered that there would only be one separate room, which would be the virtual reality escape room. He added that there would also be barriers keeping people in their assigned spaces and there would also be a golf simulator. He stated if all the rooms and spaces were occupied at one time, there would be 22 maximum participants in the facility. Commissioner Wright asked if they were going to sell alcohol with their food and beverage service. Mr. Guiton responded that they were considering selling alcohol, because of the crowd, but reiterated that this would not be the main components of the business, which was virtual reality. They were going to offer parties for both adults and children. The food would only consist of food from Marcos. Mr. Leaf added that Zero Latency was a franchise, and they had a business standard as far as logos and how they kept their property. He stated that, as landlords, they appreciated that because they took better care of the property than many other renters. Mr. Guiton spoke about his pop-up business in Merrillville and that it had been successful and had grown since opening, but the opportunity for further growth was not possible there, and he would have a much more extensive business with the Highland location. Commissioner Murovic stated that she had concerns about the hours and the fact that it would be open until midnight on Friday and Saturday. Mr. Turich stated that there was movement in and out of that property today with the Marcos Pizza business. He agreed that there would be some additional traffic, but it wouldn't be new traffic and the hours of traffic flowing in and out would not change from what it is now. Mr. Leaf added that the former Family Video was open until midnight, also. Commissioner Thomas added that the current reviews for Zero Latency were almost all 5-star reviews. Mr. Turich added that we could allow hours as requested initially but add a stipulation or condition that if there were issues with calls to the police and they resulted in an arrest, that they would need to reduce the hours of operation.

Commissioner Thomas motioned to give a favorable recommendation to the Town Council for this Virtual Reality Entertainment Center at 2939 45th Street, with the requested closing hours of 10:00 p.m. Sunday through Thursday and 12:00 a.m. Friday and Saturday, with the condition that there be no more than 3 calls to the police that resulted in an arrest in a continuous 6 month period. Commissioner Wright seconded and the motion passed unanimously with a 4 – 0 roll call vote.

NEW BUSINESS: Public Hearing for Andrew and Sandra DeVries, 3703 38th Street, Highland, IN 46322, requesting a variance to build a second garage at 3703 38th Street, measuring 24' Wide x 30' Deep (720 square feet), with an added side porch of 10' x 30' and a total footprint of 34' x 30' (or 1,020 square feet), which, when combined with their existing, attached garage of 525 square feet, would bring them over the accessory structure total allowance by 825 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.

Commissioner Murovic asked Mr. Reed if the Proof of Publication was in order. He responded that they were published in a timely fashion, with the correct date and legal description. Recording Secretary, Susan Rae added that the sign was posted correctly.

Commissioner Murovic asked if there was anyone present to represent this petition. Andrew DeVries, 3703 38th Street, stepped forward and introduced himself and his wife Sandra. He handed out some paperwork for the Board members to review. Mr. DeVries stated that they were requesting to put up a 2nd garage on their property. It would be a detached two-car garage, 720 square feet, with a 10' x 30' porch on the east side. He added that they had handed out a list of the 4 neighbors abutting the property that all gave their approval of such a project. He added that a survey of the property done by Radtke Engineering had been handed out that showed the proposed location of the garage in the northwest corner of the lot. He stated they were proposing the garage to be parallel with the house and not with the street. They also passed out a picture of the proposed garage, which was a kit they would purchase in their chosen style. Mr. Turich asked if the material shown would be what they would use. Mr. DeVries replied that they would have a 3' brick wall around three sides of the garage and the fourth side would be covered in smart siding. He added that there would only be one entry door, and the garage door would be 9' x 16' and they would try to match the color of the house as much as possible. The shingle roof would also match the house as much as possible. Mr. DeVries continued to say that they had recently moved to Highland from Grant Park, Illinois, where they had run a greenhouse operation. After years of hard work, they had sold their business, and they were hoping to retire in the next year or so. They were semi-retired now and after all the work they had done, they had accumulated some things. He added they needed storage for the items, mainly a wheelchair van, which was a costly investment for them, and they wanted to keep it nice, so when they didn't need it anymore, it would still have some value that could come back to them. Mr. Reed asked if the van was too tall to fit in their current garage. Mr. DeVries replied that it did fit in their current garage, it was just so large that nothing else would fit in when the van was parked in it. He stated that he also had a boat, which he would like to store.

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 Thomas pointed out that the lot was so large, it would not look out of place. Mr. Reed added that even with the proposed garage, their lot coverage would only be 7 percent. After some more discussion, it was generally agreed by the board that this request for a 2nd garage was not unreasonable.

Commissioner Wright motioned to approve the request for the 2nd garage at 3703 38th Street, with location and materials as stated at this hearing. Commissioner Smith seconded the motion, and it passed unanimously with a 4 – 0 roll call vote.

BUSINESS FROM THE FLOOR: None.

ADJOURNMENT: Motion: Thomas Second: Wright Time: 7:36 p.m.