

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
October 22, 2025

The Highland Board of Zoning Appeals met in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322, on October 22, 2025. Commissioner Murovic called the meeting to order at 6:30 p.m. Commissioner Helms then read aloud Enrolled House Bill 1167. Commissioner Wright followed by leading the Pledge of Allegiance.

ROLL CALL: Present were Commissioners Helms, Murovic, Smith, Thomas, and Wright. Also present were Building Commissioner/Zoning Administrator Ken Mika, Town Council liaison Doug Turich, and Town Attorney John Reed.

MINUTES: The minutes of the September 24, 2025, meeting were approved as posted.

ANNOUNCEMENTS: Commissioner Helms motioned to hold the next BZA meeting on December 10th, 2025. Commissioner Wright seconded and the Board declared December 10th, 2025, as the next meeting date. Due to the upcoming holidays, there will be no meeting in November, and the December meeting will be held two weeks earlier than usual, on the 2nd Wednesday instead of the 4th.

COMMUNICATIONS: None

OLD BUSINESS: Approval of Findings of Fact for Geofferoi 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 Wright motioned to approve the Findings of Fact for Geofferoi Guiton for the Virtual Reality Entertainment Center at 2939 45th Street. Commissioner Thomas seconded, and the motion was passed unanimously with a 5 – 0 roll call vote.

OLD BUSINESS: Approval of Findings of Fact 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 Thomas motioned to approve the Findings of Fact for Andrew and Sandra DeVries for the second garage at 3703 38th Street. Commissioner Smith seconded, and the motion was passed unanimously with a 5 – 0 roll call vote.

NEW BUSINESS: Public Hearing for Adam Hernandez, 3236 Martha Street, Highland, IN 46322, requesting a Variance to install a fence beyond the building lines at 3236 Martha 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 there was anyone present to represent this petition. Adam Hernandez stepped forward and stated his name and address of 3236 Martha St. in Highland. Commissioner Murovic then asked Mr. Reed if the Proof of Publication was published correctly. He responded that it was, and Mr. Mika confirmed the sign was posted correctly.

Adam Hernandez proceeded to hand out some photos to the Board members with Mr. Reed's assistance. He then stated that the previously existing fence had come down in a storm. When he applied for the fence permit to replace the fence, it had been rejected by the Building Department, due to the fact that his fence was on corner. After which, it was explained to him that the reason was mainly safety, and it was a line-of-sight issue. He said he did understand that but felt that his situation was different in that from his existing fence to the garage, he had a space of 14'-5" and he used to park his truck there in the past, which shows how much space he had there. He was hoping that he could replace

his fence along the sidewalk where it had been and just add a 45-degree angle before the driveway, which would give him that 14'-5" plus an additional 5' or 6'. He pointed out that if he were to move the fence back to the building line, he would be losing some 25' of his backyard. Commissioner Murovic asked how wide the property is that he is fencing in. He responded that his property is not square, but the width was approximately 31'. He basically wanted to lose as little backyard space as possible, and he felt that because his fence is already over 14' from the garage, he would like to be able to just add the angle and keep the rest of the fence on the corner.

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 Helms pointed out that replacing the fence up to the sidewalk on a corner property was something that just didn't happen. He continued that the minimum setback was usually 3', but often more. He then suggested Mr. Hernandez make another proposal for a setback, then the Board could vote on that. Commissioner Murovic also pointed out that there are other reasons for this setback, such as maintaining the sidewalk during a snowfall, or safety when people are riding their bikes and walking. She added that the fence was solid and had even less visibility than some other types.

Mr. Hernandez stated that he was willing to compromise and would accept putting up the fence with a 3' setback from the sidewalk and adding a 45-degree angle on the corner by the driveway and garage.

Mr. Turich commented that there was no clear representation of where the angle would be and didn't want there to be confusion later after the fence was installed. Mr. Reed pointed out that ultimately, there would have to be another building permit applied for by the petitioner, and that it would have to be reviewed and approved by Mr. Mika in advance of the installation.

Commissioner Helms motioned to approve the developmental variance for Mr. Hernandez with the conditions of moving the proposed fence 3' setback off the sidewalk and adding the 45-degree angle on the corner by the garage. Commissioner Smith seconded the motion, and it was unanimously passed with a 5 – 0 roll call vote.

NEW BUSINESS: Public Hearing for Christopher O Follmar, 9227 Kleinman Road, Highland, IN 46322, requesting a Variance to build an oversize garage, 30' W x 50' L x 12' H, totaling 1,500 Sq. Ft. on his property at 9227 Kleinman Road. Maximum accessory structure allowance is 720 Sq. Ft. HMC 18.05.00060 (F) (5). The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 Sq. Ft, whichever is less.

Commissioner Murovic asked if there was anyone present to represent this petition. Christopher Follmar stepped forward and stated his name and address of 9227 Kleinman Road in Highland. Commissioner Murovic asked Mr. Reed if the Proof of Publication

for this petition was published correctly. He responded that it was, and Mr. Mika confirmed the sign was posted correctly.

Mr. Follmar continued that he wanted to put up a 30' x 50' metal building, not a pole barn that could eventually begin to lean in the wetland area. He passed out a binder to each of the Board members showing pictures of his property and neighboring properties with similar buildings. He stated that no commercial business would take place in this building. He said he was a captain with the Great Lakes Towing Company for the last 31 years and licensed with the Coast Guard and that the proposed building would have nothing to do with his work. He continued to explain that since purchasing the house, he had done a great deal of remodeling work to improve the condition; however, there was no garage on the property. He was a car collector, and he had accumulated a lot of items that he had stored in various locations, so he needed to centralize his items. This lot was large enough to add the building to the side of their property without spoiling their view from his back deck. He continued to say that the building will not be in the flood plain. He added that to anyone driving by from the front, it would look just like a two-car garage and wouldn't look too large. He closed by saying that he had grown really fond of the property and by adding this building, it would take care of his storage needs and he was looking forward to retiring in the future and staying here in Highland.

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 Helms asked Mr. Follmar if the cars he would be storing there were all his and he wouldn't be working on engines or cars for friends, or anything similar. Mr. Follmar responded that this building would be his and only his. He wouldn't be giving any storage freebies. Commissioner Wright asked if there were any other accessory structures on the property, and Mr. Follmar answered that this would be the only one. Commissioner Murovic asked if the building would be aesthetically pleasing and match the house. Mr. Follmar said that it would be green, which was the house color also, but it may not match exactly.

Commissioner Helms motioned to approve the development variance for the proposed oversize garage at 9227 Kleinman Road, as was presented to the Board this evening. Commissioner Wright seconded the motion, and it was passed unanimously with a 5 – 0 roll call vote.

BUSINESS FROM THE FLOOR: None.

ADJOURNMENT: Motion: Thomas Second: Helms Time: 7:08 p.m.