

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
June 24, 2026

The Highland Board of Zoning Appeals met in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322, on June 24, 2026. Commissioner Murovic called the meeting to order at 6:06 p.m. Commissioner Helms led the Pledge of Allegiance.

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

MINUTES: The minutes of March 25th, 2026, were approved as posted.

ANNOUNCEMENTS: The next Board of Zoning Appeals meeting will take place on July 22nd, 2026.

COMMUNICATIONS: None.

OLD BUSINESS: None.

NEW BUSINESS: Public Hearing for Cathy Warquier of 3705 Highway Avenue, (represented by Attorney Jonathan Petersen), Highland, IN 46322, requesting a Use Variance to update and use the property above the detached garage at 3705 Highway Avenue as an apartment and a 2nd residence on this property. {HMC 18.15.030 (A) Permitted Uses (1) One-family detached dwellings, including models. This is not a listed, permitted use in this zoned district. - per {HMC 18.15.050} Use Variances.

Commissioner Murovic asked Attorney Reed if the Proof of Publication was published on time. Attorney Reed confirmed it was published correctly and Mr. Mika confirmed that the sign was posted correctly.

Attorney Jonathan Petersen stepped forward and introduced himself as the representative for the petitioner Cathy Warquier. Attorney Petersen stated they had prepared a PowerPoint presentation and directed the Board's attention to the slides. He first pointed out on the property record card for 3705 Highway the description of a Two-Family Dwelling and Platted Lot, and that the structure was built in 1949. It was originally built as a single-family home. He stated that they would be focusing on the apartment unit that was above the garage. He also stated that Ms. Warquier resided at the property and has maintained the property in a very acceptable condition. He pointed out that there were several other homes near her that are very similar in construction, that also have apartments above the garage, one being directly across the street from her home.

These other apartments are in use. He added that Ms. Warquier wanted to go through this process the right way. He asked Ms. Warquier what she planned to use the apartment for. She responded that she planned to use it for her son, so he could live there. Mr. Petersen pointed out that this building was constructed for that type of use, this use was allowed right across the street, and the equities he suggested would urge the Board to approve this Use Variance. He added that Ms. Warquier is seeking to restore the original functionality of the property. Mr. Petersen then showed the slides of contracts that Ms. Warquier had obtained from the licensed contractor for work she plans to have done in the space to bring it up to code in order for her son to reside there, possibly totaling as much as \$30,000. He added that she is simply asking for the Board's permission to have this work done and let her son live there. Lastly, Attorney Petersen explained that Ms. Warquier had taken a further step by having 14 of her neighbors sign a petition stating they had no objection to Ms. Warquier restoring the apartment above the garage at her residence. He then stated that they had submitted their presentation to the Board and asked that it be recommended for approval by the Board.

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

Commissioner Helms pointed out that the Board would just be making a positive or negative recommendation to the Town Council this evening and the final say would be up to the Town Council. Mr. Petersen responded that he understood. Commissioner Helms then asked Mr. Mika to elaborate the reasons this Use Variance request was denied the last time and if there were any specific reasons the Board should be aware of tonight. Mr. Mika stated that the zoning of this property is single-family. He went on to say that going back to 2011, the property was in foreclosure and had been vacant for nearly two years when Cathy Warquier inquired about the property and was interested in purchasing. When Ms. Warquier called the Building & Inspection Department at that time to inquire about the possible use of the apartment above the garage, she was told that the legal non-conforming use of this apartment would no longer be possible, as it had been vacant for longer than a year, and because of this, the use would have to revert back to the R-1 zoned district. Ms. Warquier purchased the property in approximately 2011, despite the fact that she had been told that the use of the apartment would not be permitted. She then filed for a Use Variance to use this space in 2014 and again in 2015, which were both unsuccessful. Commissioner Thomas asked what the situation was with the home across the street. Mr. Mika explained that in order for the legal non-conforming use to cease, the property would need to be vacant for a year or more, or there would need to be damage totaling 50% or more of the value from a natural disaster. There had been no such transition with the property across the street. Mr. Mika then stated that the county may not be aware that the legal non-conforming use of this apartment at 3507 Highway was not effective any longer, because the property information is still stating it is a two-family dwelling. Ms. Warquier pointed out that she is still paying taxes on this property. Commissioner Thomas stated that she would have to contact the Assessor's office so that could be re-evaluated. He continued that he used to own this property, so he was very familiar with it. He then asked if the upstairs apartment was livable, because it was close to non-livable in 2000 when he sold the property. Ms. Warquier stated that she planned

to remodel and bring the apartment up to code, which was why she had submitted the quotes showing the work that she planned to do. Mr. Petersen reiterated the work that his client planned to do and said Ms. Warquier has every intention of bringing the property up to a safe and habitable place for her family member to reside. He then mentioned that she took the additional step to get the approval of many of her neighbors and didn't meet any resistance from them. For these reasons, they were asking for a favorable recommendation from the Board. Commissioner Helms asked if the petitioner was to bring this space up to an acceptable standard, if there was any other reason she could not have an apartment above the garage. Mr. Reed stated that there may be an issue with parking if too many of the homes in an R-1 zoned district became 2-family dwellings. He suggested that there could possibly be a covenant added to specify the apartment could only be utilized by family members. Commissioner Thomas asked if this home at 3705 Highway Avenue was Ms. Warquier's personal residence. She replied that it was. He then asked if she still owned the house on Walnut Drive in Munster. She replied that her daughter lived there. Commissioner Murovic asked if there were any other multi-units or duplexes in the surrounding area. Mr. Mika stated that there were probably three. One of them, the use had gone away because of the non-conformance, and with some, the legal non-conformance was still in effect.

Commissioner Helms pointed out that it was clear Ms. Warquier was going to be investing a lot of money and time in improving the property to make it livable and up to code. He added that the only sticking point was the non-conforming to the R-1 zone. He then stated he would like to make a motion to give a favorable recommendation to the Town Council with the condition that the apartment is rehabbed to living conditions and the use is limited to family members. Commissioner Smith seconded the motion, and it was approved by a roll call vote of 4 in favor and 1 opposed.

NEW BUSINESS: Public Hearing for Matthew Hanft, 8434 Delaware Street, Highland, IN 46322, requesting a Variance to construct a new garage (24' x 40' / 960 sq. ft.) at 8434 Delaware Street that exceeds the maximum accessory structure allowance by 240 sq. ft. {HMC 18.05.060} Interpretation and Application – Supplementary district regulation. (F) Accessory Buildings (5) 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.

Commissioner Murovic asked Attorney Reed if the Proof of Publication was published on time. Attorney Reed confirmed it was published correctly and Mr. Mika confirmed that the sign was posted correctly.

Matthew Hanft stepped forward and introduced himself, stating his address as 8434 Delaware Street. He proceeded to pass out a design packet to the Board members with the specifications and drawings of the garage he hoped to build on his property. He said he had lived at this location since 2019 and had been a Highland resident his entire life. He continued to say that he put up a very large light display every Christmas, which required a lot of storage, and was one of the reasons for his need for the over-sized garage. More importantly, he added that his whole basement was filled with toys for the

Toys for Tots charity every year, so that was the main reason for his need for additional storage space. The extra storage space from the garage would allow him to store these things safely and away from all his own household items. He added that he has two little girls that are very involved and curious about all the toys they see. He then addressed the questions that had come up in the Study Session about his existing garage. He confirmed that the existing, attached garage on his property will be torn down, so this requested new garage will be the only one on his property providing he is granted this variance. He said he was planning to take it down after or right before the new one is built. He stated that as soon as this new, proposed garage is completed, he would move on to the house so that the roofing, siding, fascia, soffits & gutters all match. He continued to say that the roofing would be done by a hired roofing contractor. Commissioner Wright asked if the driveway would be extended. Mr. Hanft replied that it would be widened as far as the code would allow and then a brand-new driveway would be poured. He added that he would like to add a few sections of sidewalk to the public sidewalk. Mr. Mika stated that permits would be needed for the driveway and also for the right-of-way areas, approved by the Public Works Department.

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Commissioner Wright asked if the variance being sought was for the square footage of the garage. Commissioner Murovic confirmed that was correct. Commissioner Wright asked if there was any concern regarding the amount of square feet taken up in the yard itself. Mr. Mika stated that there was no issue with the percentage of lot coverage on this property with the proposed garage. He added that there had been one concern initially with the height that had been proposed, but Mr. Hanft had changed that to meet the maximum code requirement of 18'. Commissioner Thomas asked if the proposed garage was 200' over the required allowance of 720' and Mr. Hanft stated that it was 240' over, for a total of 960 square feet. Commissioner Thomas asked Mr. Hanft if the 2nd level of the garage was going to be used for storage. Mr. Hanft confirmed that to be correct. Commissioner Helms asked if his existing garage was in bad shape. Mr. Hanft explained that it was a bad design because the previous owner of the property had added an addition and put it right up next to the garage and he said the firewall is literally starting to rot in the south and northeast corners of the garage. He continued that the slab is cracked and the garage really needs to be demolished because he can't figure out a way to correct the existing problems and make it structurally sound. Commissioner Helms stated that on the plan, the garage appeared to be about a foot off the easement. He asked if that was correct. Mr. Hanft confirmed that was correct, and that he would maintain a minimum of a foot off the easements.

Commissioner Wright motioned to approve the Variance for the new, 24' x 40' x 18', 960 Sq. Ft. garage at 8434 Delaware Street. Commissioner Thomas seconded, and the motion was passed unanimously with a 5 – 0 roll call vote.

Mr. Mika reminded Mr. Hanft that he would need to obtain his demolition permit before he could begin that process and Mr. Reed reminded him that he would need to wait until the Findings of Fact were approved on July 22nd to begin the garage construction process.

NEW BUSINESS: Public Hearing for April Rodriguez, 9247 Highland Place, Highland, IN 46322, requesting a Variance to install a fence beyond the building lines at 9247 Highland Place. 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 Attorney Reed if the Proof of Publication was published on time. Attorney Reed confirmed it was published correctly and Mr. Mika confirmed that the sign was posted correctly.

April Rodriguez stepped forward, introduced herself and confirmed her address as 9247 Highland Place. She stated that she would like to replace the old chain link fence at her property that was sorely needing replaced. She continued that it went right up to the sidewalk and while she wanted to replace it with a safe fence, she didn't want to lose 13' of her yard, which is how far in the edge of her house was. She did not plan to replace it with a privacy fence, but rather a 4' high picket fence. She added that her driveway was at the end, so she had to keep a clear line of vision. She added that she had a deposit down with Fence Masters, and that she was willing to compromise and work with the Board to agree on something acceptable to everyone. She also mentioned that she had some underground lighting and one flagpole to take into consideration. Ms. Rodriguez again stated that she didn't want to lose 13' of her yard. Commissioner Murovic agreed and stated that we all cherish our backyards and want to keep as much as possible.

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 stated that fence requests were very common with the Board of Zoning Appeals and it would be very rare for the Board to grant a Variance for a fence where they allowed it to be placed right up to the sidewalk. He added that in all his numerous years on the Board, it has never happened. He continued that most of the requests are concerning 6' privacy fences, which were a lot tougher to consider than a 4' picket fence, which would obviously have much more visibility. He asked Ms. Rodriguez if she had a picture of the fencing that she planned to install. She said she did on her phone. Commissioner Helms said he felt that 3' off the sidewalk with a 45-degree angle at the driveway would be acceptable when he saw the proposed fence style. He asked Ms. Rodriguez to propose this solution, so the Board could approve the request. Ms. Rodriguez then requested that the new fence be installed 3' in from the sidewalk with a 45-degree angle on the southwest corner at the end of the driveway.

Commissioner Thomas motioned to approve the requested positioning of the new fence with a 3' setback from the sidewalk and a 45-degree angle at the driveway.

Commissioner Helms seconded and the motion passed unanimously with a 5 – 0 vote.

NEW BUSINESS: Public Hearing for James Glidewell, 3018 44th Street, Highland, IN 46322, requesting a Variance to install a fence beyond the building lines at 3018 44th 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.

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James Glidewell stepped forward, introduced himself and confirmed his address as 3018 44th Street in Highland. He stated he had lived at this address since the spring of 2021. He added that he was a Town employee and thought it was important to live in Highland. He wants to keep the property up and improve it as much as possible, so wanted to replace the fence because of the fact that it is over 60 years old and falling apart. He stated that a few weeks ago, he had torn up the fence because he had some help and knew that he was going to be replacing it. He stated that he had distributed an overhead view of the property to the Board, marked with where he planned to replace it. He stated that it would be extended to the East side with the 45-degree angle by the driveway, 3' away from the sidewalk, and not going all the way up to the front of the house on the 5th Place side. He added that the previous fence was a 4' chain link fence, and he was transitioning to a 6' wooden privacy fence. This would mean more privacy for his family and his dogs would be better off with the solid fence so they wouldn't bark at other dogs through the chain link fence.

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

After some general discussion of the fence location Mr. Glidewell had described in his initial presentation, Commissioner Thomas asked him if he had the approval of his neighbors. Mr. Glidewell replied that they were good with the location.

Commissioner Thomas motioned to approve the variance request for the fence at 3018 44th Street, installed with a 3' setback from the sidewalk and a 45-degree angle at the driveway. Commissioner Helms seconded the motion, and it passed unanimously with a 5 – 0 roll call vote.

BUSINESS FROM THE FLOOR: None

ADJOURNMENT: Motion: Helms Second: Thomas Time: 6:55 p.m.