

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
March 28, 2018

The Highland Board of Zoning Appeals met on March 28, 2018 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland IN. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Grzynski

ROLL CALL: Present Mr. Helms, Mr. Martini, Mr. Grzynski, Mr. Leep and Mrs. Murovic. Also present Attorney Jared Tauber, Building Commissioner Mr. Ken Mika and Town Council Liaison Mr. Steve Wagner.

MINUTES: The minutes of the January 24, 2018 were approved as posted. February 28th BZA meeting was cancelled due to lack of quorum.

ANNOUNCEMENTS: The next meeting of the Board of Zoning Appeals to be April 25, 2018 at 6:30 p.m.

Communications: None

Old Business: Public Hearing for Brenda Evett, 3134 99th St., Highland, IN requesting a variance to move fence beyond build line. 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. . Mr. Martini motioned to approve the Findings of Fact. Mr. Helms seconded and unanimously passed with a roll call vote of 5-0.

New Business: Public Hearing for Mr. Uko Uko of 766 W. 65th Lane, Merrillville, IN 46410, requesting a Use Variance for An Adult Day Care Center at 2914 Highway Ave. a B-2 zoned district (also Downtown Sub-District in the Redevelopment Area). {HMC 18.40.030} Permitted Uses.

Mr. Tauber stated that the Proofs of Publication were in compliance with IC 5-3-1.

Ms. Dianne Craft of 7233 Tilly Dr., Hammond, IN introduced herself. Ms. Craft attended the meeting in lieu of Mr. Uko.

Ms. Craft has been Mr. Uko's business partner for 7 years. They are seeking to open an Adult Day Care facility.

Ms. Craft currently helps to run We Care From The Heart, which is a social service agency. Part of Ms. Craft's responsibilities at the agency is to process paperwork to help people become eligible for the Medicaid Waiver program. The Medicaid Waiver helps provide services which would help to keep people in their homes or Adult Day Care and out of a nursing home. Ms. Craft is hoping to offer the same assistance at this adult day care if granted the Use Variance request.

Mrs. Murovic asked Ms. Craft what she felt her hardship was in requesting the Use Variance and why the Board would change the Use for this location.

Ms. Craft responded the location was a dignified and a safe location for the families and the people attending the day care center. She continued the space is beautiful and remodeled. She spoke of Dr. Rahmany (who owns the building) that even though he's not practicing right now, he is a part of her team for her crisis center. He would not be practicing at this location, but is practicing in Valparaiso.

Ms. Craft said the services would be available from 9:00 am to 6:00 pm with enough staff to accommodate the day care center. She states there is regular and handicap parking accessibility in the front, handicap accessibility in the back and the location is a just beautiful setting.

Mr. Mika said he thought it needed to be clarified to Ms. Craft that she and Mr. Uko are seeking a Use Variance, not just a Variance for developmental standards. That a Use Variance is for something that is not a permitted Use for that zoned district.

Ms. Craft asked if that zone would allow for a day care? Mrs. Murovic responded a Variance would have to be sought for a day care.

Mrs. Murovic open the Public Hearing. Hearing no remonstrances the Public Hearing was closed.

Mr. Helms spoke to some of the questions the Board had was not the need for the use, but more of the logistics of the location. A few of the questions was how many employees would there be and the planned uses of the facility. One being physical therapy and the Use as an Adult Day Care. He asked how Ms. Craft would purpose to separate the two and how many employees would there be in each section or would they be combined into one section?

Ms. Craft replied the physical therapy would be on an as needed basis. Also coming in to play would be if the people at the facility had been approved for the Medicaid Waiver.

Mr. Helms then spoke to the physical therapy being more of a side as needed on an informal basis in the facility with the people who are there for the adult day care as the main function. Ms. Craft agreed with Mr. Helms remarks.

Mr. Martini spoke to the minimum day care requirements if private pay but very specific requirements if paid by Medicaid. He asked if the Use Variance was granted would all levels of requirements be in place. Part of those requirements would be to have an RN on staff which Ms.

Craft replied yes they would meet all requirements, included having an RN on staff .Ms. Craft also spoke to being able to accommodate up to 15 or 20 people.

Mr. Martini asked what part of the building would the day care center make use of and Ms. Craft replied just the main floor. Mr. Martini asked if there was a basement. Ms. Craft responded yes but they would not be making use of it. Mr. Martini asked about bathroom facilities and Ms. Craft replied the bathrooms are handicap accessible. She said the facility would also have to meet State guidelines.

Mr. Grzynski asked for Ms. Craft to explain what a typical day would be like for the people attending the facility. She replied there would be therapeutic and outdoor activities, bingo and painting. She said there would be a care plan for each individual attending the day care facility. Mr. Grzynski asked about food and Ms. Craft replied there would be Meals on Wheels. He asked if there was a kitchen on the premises and she said yes, but the food would be provided by Meals on Wheels.

Mr. Martini asked about the maximum number of people who would be attending the facility and Ms. Craft replied 20. She said that number comes with the State Guidelines which is determined by the square footage of the facility.

Mr. Grzynski asked how many employees would there be and Ms. Craft said that depends on the level of attendees. She said it also depends on each person's mental capacity. Some may require more individual attention than others. She said there would also be case managers at the facility.

Mr. Martini spoke to the logistics of the facility and referenced that during the holidays, sometimes Highway Ave is closed. The conversation then shifted to the parking and how many spaces were available. Ms. Craft said there was great parking availability and Mrs. Murovic asked if she knew how many spaces were available. Ms. Craft did not have a specific number. Mr. Martini stated there were tenants on the second floor who would use the parking too and Ms. Craft replied yes, but there aren't many tenants to take up the parking spaces. Mrs. Murovic than asked how many units were upstairs and Ms. Craft believed there were four or five units. Mr. Martini asked how many spaces are dedicated to them and she replied a lot of times they park in the front.

Mrs. Murovic mentioned the 2800 sq. ft. and the maximum numbers of clients being allowed for that sq. ft. being 20. She asked if in that square footage would it be broken down into rooms and if beds would be needed. Ms. Craft replied no, just a quiet room is required. Mrs. Murovic asked about a drop off site and Ms. Craft replied they pick up and drop off their clients.

Mr. Helms requested a floor plan so the Board could see what is going to transpire in the building. Mrs. Murovic also asked for the number of parking spaces available and if Ms. Craft would email the State guidelines to the recording secretary. Mrs. Murovic felt this would be a tremendous help in determining a decision. Mr. Martini also requested photographs of the inside.

Mr. Helms then stated he felt it would be a good idea to continue the Public Hearing so a better decision could be made after reviewing the items requested.

Mr. Helms motioned to continue the Public Hearing to the next month's BZA meeting. Mr. Leep seconded and it unanimously passed with a roll call vote of 5-0.

BUSINESS FROM THE FLOOR: Dr. Rahmany of 1027 Westminster Lane, Munster, IN spoke. Mr. Rahmany is the owner of the building where the Adult Day Care Facility would go if the Use Variance is approved by the Board. Mr. Rahmany feels there is no problem with the front entrance of the building for public access. He also states he feels there is plenty of parking, enough for 40 or 50 cars located in the back of the building. He states the other half of the building would be disposable to the Day Care also. Mr. Grzymski asked for clarification on which part of the building would be in use for the Adult Day care. Mr. Rahmany stated it would only be half of the building where Vyto's Pharmacy used to occupy. Mr. Grzymski questioned the space in regards to being able to have occupancy of 20 people and Mr. Mika asked about additional occupancy by the staff. Mr. Mika asked if a design professional, that being an architect, walk through the space and determine for its particular use based on code requirements that the location will be suitable without having to make any modifications? Ms. Craft responded that they had to follow State guidelines, so that when they submit the paperwork to the State they would have to have a designer come out to the building to make sure they submit the paperwork to the State. Mr. Mika then asked that by designer she meant a qualified State design professional. She states that is not part of the State's guidelines... Mr. Mika said they would have to compare the State guidelines and compare them to the building code standards. Mr. Mika continued they were under the impression the facility was going to be more a physical therapy facility associated with the Adult Day Care. Ms. Craft showed pictures of the van that would be use in picking up the clients. The van is kept at the location. Mr. Grzymski asked if the focus would be on Highland residents attending the adult day care center. Ms. Craft responded the clients come from Northwest Indiana off of a pick list and they have no control over the pick list and who comes to the center. Mr. Martini asked how many locations there are similar to this one. Ms. Craft responded two in Gary, one in East Chicago, Merrillville and Portage.

ADJOURNMENT: Motion: Mr. Grzymski Second: Mr. Helms Time: 7:15