

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
September 23, 2020

The Highland Board of Zoning Appeals met on the Zoom Platform, Meeting ID: 942 8449 4420, Password: 456476, on September 23, 2020 at 6:30 p.m. Central Time (US and Canada). Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Grzyski.

ROLL CALL: Present online were Board Members Mr. Martini, Mr. Grzyski, Mr. Thomas and Mrs. Murovic. Also present were Building Commissioner/Zoning Administrator, Mr. Ken Mika, Town Council liaison and Mr. Mark Herak. Absent were Mr. Helms and Town Attorney, Mr. John Reed.

MINUTES: The minutes of the August 26, 2020 meeting were corrected to include “at 51-1/2 feet” on page 5, between “as requested” and “contingent” within the final motion for Good Luck LLC, Inc./DVG Team – Paramvir Singh, petitioner. Mr. Martini motioned to amend the minutes from August 26, 2020 to include “at 51-1/2 feet”. Mr. Thomas seconded and the motion was unanimously approved by a roll call vote of 4 – 0.

ANNOUNCEMENTS: The next meeting of the Board of Zoning Appeals to be October 28, 2020 at 6:30 p.m.

COMMUNICATIONS: None

Old Business: Approval of Findings of Fact for Krooswyk Trucking/Homes of Distinction – Brandon Smith, 5209 Hohman Avenue, Hammond, IN, Seeking a variance for Lot Width, Square Footage & Garage Setback for lot located at 9026 Erie Street in Highland, Indiana. {HMC 18.15.060} (C) (1) Minimum Lot Size in an R-1 Residence District. Minimum lot size requirements for an R-1 district are as follows: Every one-family detached dwelling hereafter erected and every transitional use permitted in this zoning district hereafter established shall be on a zoning lot having a minimum area of 7,200 square feet (has 6100) and a minimum width of 60 feet (has 50) at the building line and a minimum lot depth of 120 feet. A lot of record existing on the effective date of the ordinance codified in this title which is less than 7,200 square feet in the area or less than 60 feet in width, or 120 feet in depth, may only be improved by a variance from the Board of Zoning Appeals. {HMC 18.15.080} (K) (1) Single-family residential garages shall be designed so as not to dominate the primary façade of the building. Garages may be located as follows: Garages shall be set back six feet from the primary façade of the building. Mr. Grzyski motioned to approve the Findings of Fact for Krooswyk Trucking/Homes of Distinction. Mr. Martini seconded and the motion was unanimously approved by a roll call vote of 4 – 0.

Old Business: Approval of Findings of Fact for Good Luck LLC, Inc. /DVG Team – Paramvir Singh, 3325 Hart Street, Dyer, IN, Seeking a variance at 9333 – 9337

Indianapolis Boulevard for the proposed fuel island canopy setback of 50' rather than the minimum 60' front yard building setback requirement. {HMC 18.45.050} (C) (3) Property development standards. Front Yard. In a B-3 district, front yards shall be provided as follows: For developments fronting principal arterial streets and highways, a minimum 60-foot front yard shall be provided, but not to exceed 95 feet. Included in this front yard shall be a minimum 20-foot landscaped strip along the front right-of-way that spans the entire length of the front right-of-way.

Mrs. Murovic requested that there be a motion made to table the Findings of Fact, due to the change that needed to be made to the minutes of the August 26th, 2020 meeting and that this change had not been reflected in the Findings of Fact.

Mr. Martini motioned to table the Findings of Fact for Good Luck LLC/DVG Team until the next meeting so that the Findings of Fact can be corrected to reflect the change made in the minutes about the canopy Variance. Mr. Thomas seconded and the motion was unanimously approved by a roll call vote of 4 – 0.

New Business: Christine Scheeringa, 9349 Kleinman Road, Highland, IN 46322, Seeking a variance at same address to build a 30' x 40' (1,200 sq. ft.) addition to an existing pole barn that is currently 30' x 60' (1,800 sq. ft.). {HMC 18.05.060 (F) (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.

Mrs. Murovic asked if the Proof of Publication was reviewed and approved by Mr. Reed. Mr. Mika responded that based on his review, they appeared to be in order. Recording Secretary, Susan Rae, confirmed that there was an email from Attorney Reed stating the Proof of Publication was in order.

Mrs. Murovic asked if there was anyone present to represent this petition. Mrs. Christine Scheeringa replied that she was present and introduced herself and her husband, George Scheeringa, both residing at 9349 Kleinman Road. Mrs. Scheeringa stated that she had written a letter that had been forwarded via email to the Board members that explained the reasons they were requesting the variance. She continued that they owned 5 rental properties, plus their own residence. They have over 6 acres behind their property that they maintain. She went on to say that all the maintenance they were responsible for, from mowing to hauling to cutting down, required equipment. She explained that at the moment, all their equipment was stored in rental garages. The mower was 3 doors down and the skid steer was in the rental next door. Their goal was to get all their equipment on their own property, which would free up their renters' garages, giving them room for their vehicles. This would allow the renters to have their driveways back, where they currently have to park, as there is no street parking available on Kleinman Road. Mr. George Scheeringa pointed out that the new space would be used for their own equipment only, and not for any rental storage. The new pole barn would only house their own equipment on their own property. He also pointed out that the property behind their home totaled closer to 10 acres than 6 acres, as his wife had previously mentioned. He continued that a lot of their equipment, including a dump truck,

was all sitting outside and it was getting to be a real eyesore behind the barn. He went on to say it was pretty tacky and that they would like it all under a roof, so it would be out of the weather and the snow.

Mr. Thomas asked why they needed a skid steer at their property. Mr. Scheeringa replied that years ago, at the back of their property, there used to be a ditch that ran back to the Cady Ditch. He continued that their neighbors to the north plugged it up. He allowed his uncle Don open it up at their property, so it ended up being a retention pond. He said it stayed muddy and mucky and was impossible to mow and that it was a nightmare. The skidster was used to open up all the ditches and also used to mow. He said that being in a cab helped with his allergies because of all the dust that was generated. Mrs. Scheeringa pointed out that they also have to maintain the BP Pipeline that runs through their property. She continued that the grass there gets very long and is not smooth and that there are also tree limbs down, which have to be moved and hauled around. She pointed out that they were not getting any younger and that they needed help with this process; the skid steer was used for this and also snow removal. She pointed out that they don't put the snow out in the street, it is taken to the back of the field and dumped there so it does not clog the streets.

Mrs. Murovic asked what was currently in their existing 1,800 square foot pole barn, in order for them to have a need for an additional 1,200 square foot pole barn. Mr. Scheeringa mentioned again that they don't have any option to park on the street at their property and that if you ever drive past their house in the evening as the sun goes down, everything is put away. He continued to explain that because of this, their own personal vehicles are in the existing pole barn, along with a couple of collectible cars. There are other yard items in the existing pole barn. Lastly, he has a little shop area in the existing pole barn that he uses to maintain the vehicles.

Mrs. Murovic asked if the current attached garage was a 2-car garage. Mrs. Scheeringa stated it was a 1-1/2 car garage. She continued, saying they used that space to contain the garbage cans and possibly 1 vehicle if there was nothing else in it and the vehicle was moved all the way up into the space. Both the Scheeringas' agreed that their attached garage was too small to be a functional garage. Mr. Scheeringa pointed out that the new addition to the existing pole barn would not even be noticeable to the property when looked at from the front. It would be done to match the existing barn exactly and built in a straight line.

Mrs. Murovic opened the meeting to the public. Joe Scheeringa, 9425 Kleinman Road, Highland, IN commented that his parents have lived on their property 26 years and that he now resides on a property that butts up to his parent's property. He said that his mother keeps the property meticulously mowed. He was aware of Town property down the street that was extremely overgrown. He said his parents put a lot of work and time into maintaining the property. Everything was always organized, neat and equipment was always put away when they weren't using it. He mentioned that there were a lot of properties in Highland that have equipment and items sitting outside that were covered in rust and that was not how his parents operate. You can see how well the property is maintained from the outside. He also mentioned that they don't only maintain their own snow, but if they see a neighbor who needs help for one reason or another, they will also help them remove their snow. He pointed out that they use all their equipment in so many different ways to help the area itself be better maintained. He also mentioned that the drawings show the clean, in-line

design of the new addition and that it would not be an eyesore. He closed by saying that he was completely for this addition to the existing pole barn.

Jessica Scheeringa, 9425 Kleinman Road, Highland, IN, introduced herself and said she thought it would be really nice for the Scheeringas' to have one place for all their equipment to get it put away and make the property tidier for them and that she felt it would help them out. She also repeated that the Scheeringas' do a great job of maintaining their properties.

Mr. Harvey Crouch, 9123 Kleinman Road, Highland, IN, introduced himself and stated that George Scheeringa was a great neighbor who takes care of his property and that it was larger than most properties around and that it required more effort to maintain. He continued that Mr. Scheeringa had a lot of equipment, but it was never seen and if it is out in the back of the pole barn, it is getting wet and rusting, which would cause a lot of extra maintenance to the equipment. He finished by saying that he felt Mr. Scheeringa did a great job with his property and that he felt the Board should shine on his variance request.

Joshua Scheeringa, 2639 Clough Avenue, Highland, IN 46322, introduced himself and said that he helps his father fix his equipment when it breaks. He wanted the variance to be approved because he would get more quality time with his Dad if the equipment was in a covered garage rather than exposed to the elements, because it would not break down as often and there would be less time working on the equipment because of failure. He finished by saying that he totally endorsed the variance approval.

Mr. Martini asked if the property to the rear of their home was currently being farmed. Mr. and Mrs. Scheeringa replied that it was not currently being farmed, but that they had in the past for approximately 8 to 10 years when they first bought the property. Mr. Martini then asked when the existing pole barn was put up. Mrs. Scheeringa replied it was put up in 1999. Mr. Martini then asked if at that time, the need for the pole barn was justified by the fact that they were farming the approximately 5 acres to the rear of the property. Mrs. Scheeringa responded that was correct and also due to their personal vehicles. Mr. Martini said that was all the questions he had.

Mr. Martini motioned that the variance be approved to add on to the existing pole barn, for the 1,200 square feet requested by the petitioner. Mrs. Murovic asked if anyone seconded the motion. There was no second and the motion died.

Mr. Grzynski motioned to deny the variance for 9349 Kleinman Road to build the additional pole barn. Mr. Thomas seconded and it was approved by a roll call vote of 3 – 1.

A discussion ensued regarding the possibility of the Scheeringas' acquiring a different type and/or size of accessory structure on their property and the property's zoning classification.

Mrs. Murovic stated that they would need to apply for a variance for the addition of any accessory structure building to the property.

The Scheeringas' stated the property was zoned agricultural and always had been. Mrs. Murovic and Mr. Mika stated that, according to the Town of Highland Zoning Map, it had always been zoned as residential property, specifically R1A. Mr. and Mrs. Scheeringa stated they would prove that the zoning map was not correct.

Mr. Harvey Crouch asked if the Town was in need of tax money. Mrs. Murovic advised Mr. Crouch to check with Mr. Michael Griffin in the Clerk Treasurers office regarding the Town's budget.

Mr. Grzynski advised Mrs. Murovic that he would like to close the meeting.

BUSINESS FROM THE FLOOR: None

ADJOURNMENT: Motion: Mr. Grzynski Second: Mr. Thomas Time: 7:10 p.m.