

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
May 24, 2023

The Highland Board of Zoning Appeals met in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322 on May 24th, 2023. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Thomas.

ROLL CALL: Present were Board Members Mr. Helms, Mr. Thomas, Ms. Briseno, and Mrs. Murovic. Mr. Turich was not present. Also attending were Building Commissioner/Zoning Administrator, Mr. Ken Mika, Attorney, Mr. Scott Bilse, filling in for Town Attorney John Reed, and Town Council Liaison, Ms. Toya Smith.

MINUTES: The minutes of the April 26th, 2023, meeting were approved as posted.

ANNOUNCEMENTS: The date of the next Board of Zoning Appeals meeting will be June 28th, 2023.

COMMUNICATIONS: None.

Old Business: Approval of Findings of Fact for Price Point Builders, PO Box 1343, Crown Point, IN 46308, represented by Camille Schoop and Bruce Young, requesting a Variance to place a garage as the primary façade of the house in front of the build line or porch at 8327 Grace St. {HMC 18.15.080} (K) (1) Design Standard: (K) Single Family Residence Garages shall be designed as not to dominate the primary façade of the building. Garages may be located as follows: (1) Garages shall be set back six feet from the primary façade of the building.

Mr. Thomas motioned to approve the Findings of Fact for Price Point Builders variance request for the garage setback at 8327 Grace Street. Mr. Helms seconded, and the motion passed unanimously with a 4 – 0 roll call vote.

New Business: Public Hearing for Doug Sanders and Samantha McGrath, 8837 Parrish Avenue, Highland, IN, requesting a Variance to install a fence beyond the building lines at 8837 Parrish Avenue. 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.

Mrs. Murovic asked Mr. Bilse if the Proof of Publication was in order for this petitioner. Mr. Bilse had not seen the Proof of Publication; however, Mr. Mika was able to confirm that the Town Attorney, Mr. John Reed had approved the Proof of Publication through email, and he also stated that the sign was posted in correlation with the ordinance requirements.

Samantha McGrath stepped forward and introduced herself, and stated her address as 8837 Parrish Avenue, Highland, IN. She proceeded to hand out photos to the Board of her property and some surrounding properties with fences that came out to the sidewalk and were protruding past their building lines. She continued to say that she and her family had been residents of Highland for two years and that they had aspirations of raising their children in Highland. She continued to give the Board some background about how much they liked Highland and their home and wanted to stay but had found out about the fact that they cannot replace their fence in the same spot due to the ordinance concerning corner lots. She explained that they owned two large dogs that need the yard for exercise, but the current fence does not contain them, due to the fact that it is not high enough and it is in disrepair. She added that a privacy fence would be a better barrier for their dogs, because they react to other dogs frequently as the current fence can be easily seen through, and it would also be safer for the children when they are playing in the yard. Samantha McGrath then explained the pictures and why they had included them in their presentation.

Mrs. Murovic opened the meeting to the public. Mr. Fred Swalek, 3213 Lincoln Avenue, Highland, IN, commented that he was worried about the traffic and the sidewalk that may be blocked, along with safety concerns regarding pedestrians, especially children. Hearing no additional remonstrances, Mrs. Murovic closed the public meeting and brought the discussion back to the Board.

Mr. Mika pointed out that all the photos the petitioners had presented of the neighboring properties with fences going right to the sidewalk were all legal non-conforming, which is why they were still existing. All these property owners would have to comply with the current ordinance if they wanted to replace their fences. Mr. Thomas asked the petitioners if they wanted to replace their fence in the exact same spot the old fence had

been. Samantha McGrath responded that they were willing to bring the fence in on both sides and would work with the Board to determine how far the setback would have to be. Mrs. Murovic asked the petitioners to elaborate on where they would be willing to place the fence. Doug Sanders stated they would like to come in about a foot from the sidewalk on both the Lincoln and Parrish sides and angle the fence at the corner by the driveway. Mr. Helms explained that as a compromise, it would likely have to be 2' to 3' off the sidewalk at a minimum for safety and maintenance on a corner property. Mrs. Murovic pointed out that there was also a school in the nearby vicinity that would affect this particular property even more than a typical corner. After much further discussion among the Board regarding the circumstances of this particular, unique corner, Samantha McGrath stated that they would be willing to bring the fence in to the two trees on the Lincoln Street side, which would be a total of 16' off the sidewalk. The Board agreed that this would be a very acceptable compromise and would be close to the building line of the neighboring homes on that side of the street. After further discussion, it was decided that the Board could be a little more lenient on the Parrish Street side, and a good setback compromise would be 3' off the sidewalk with a 45-degree cut out angle at the driveway by the garage.

Mr. Thomas motioned to approve the variance request for the fence, with the condition that the fence would be placed 16' off the sidewalk on the Lincoln Street side, and 3' off the sidewalk on the Parrish Avenue side, with a 45-degree angle cut out at the south side of the driveway on the Parrish Avenue side. Ms. Briseno seconded the motion and it passed unanimously with a 4 – 0 roll call vote.

New Business: None.

BUSINESS FROM THE FLOOR: None.

ADJOURNMENT: Motion: Mr. Thomas Second: Mr. Helms Time: 6:57 p.m.