

CHESTERTON BOARD OF ZONING APPEALS
SEPTEMBER 28, 2017
6:30 P.M.

The meeting was called to order at 6:30 P.M. Present were members K. Goldak, R. Riley, and Vice President F. Owens who chaired the meeting. Members J. Ackerman and J. Kowalski were absent. Town Engineer M. O'Dell was present. Attorneys J. Paulson and C. Nolan were present as legal advisors. The pledge was recited.

APPROVAL OF MINUTES

Member R. Riley moved approval of the minutes from August 24, 2017 seconded by member K. Goldak and passed by unanimous voice vote.

PRELIMINARY HEARINGS

Terry K. Hiestand and Anne Marie Hiestand requesting a variance to increase lot coverage in Excess of 30 percent of the area of an interior lot. **Petition 17-09** Attorney T. Hiestand was present. He said he and his wife are interested in constructing a three-season room that is 16 feet by 15 feet. Included with the petition were lot coverage calculations. The home has a three-car garage with an appropriate size driveway and a backyard patio which all contribute to the lot coverage calculations. He respectfully requested the board to consider setting this item for public hearing.

Member K. Goldak asked if the house was built on a double lot.

Attorney T. Hiestand said the house and surrounding property is actually comprised of 4 lots.

Town Engineer M. O'Dell suggested the petitioner ask for a 5 percent increase in lot coverage just to be on the safe side.

Attorney J. Paulson suggested expanding the Findings.

Member R. Riley moved to set this item for public hearing at the October 26, 2017 meeting seconded by member K. Goldak and passed by unanimous voice vote.

PUBLIC HEARINGS

1051 Properties, LLC requesting a variance to construct an additional structure (pergola) in the front yard lying 8 feet 5 inches from the front lot line where the Ordinance requires a 30-foot front yard setback, therefore a variance of 21 feet 5 inches. **Petition 17-08** Rules for conducting a public hearing were read aloud. The secretary verified proof of publication, payment and notification. Attorney G. Babcock was present as legal representation for the petitioner. He was accompanied by Rolando and Linda Martinez the operators of the Gastro 49 bar and restaurant. The building was constructed in 1957. There is currently an outdoor eating area set off by white

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fencing. Mr. Martinez is interested in constructing a more permanent pergola structure. Attorney Babcock reminded the board how important it is in the restaurant business to stay competitive and felt that the addition of the pergola would enhance the dining experience.

Rolando Martinez of Portage Indiana was present. He said he is looking to build over the existing area. They would be installing a wooden deck type platform and install railings and an open beam type roof structure. There would be safety barriers installed near the structure. The patio currently sits about 32 people and it would stay about the same capacity. He said they are in the process of buying the property and just want to enhance it.

Attorney G. Babcock commented that there should be no sight line traffic issues. The enhancements would not negatively impact surrounding properties. He said they would be looking to the building commissioner to advise them on placement of the safety barriers. He respectfully requested the board to consider accepting the Findings of Fact and granting the variance request.

There was no one present to speak in support of the petition.

There was no one present to speak in opposition to the petition. The public comment portion of the public hearing was declared closed.

Town Engineer M. O'Dell said he would like to see two conditions added to the petition. The first would be that the pergola be constructed as the photo in the petition depicts. The second would allow the town to work with the petitioner when installing the safety ballards.

Member K. Goldak asked if the pergola would be attached to the building. She verified that the pergola would have a deck type floor.

Mr. Martinez said the pergola would not attach to the building and the deck would raise that area to meet the step-up entrance making it handicap accessible. He said the structure would be about 9 feet high. The structure would be more of a natural wood look brown beige in color.

Attorney J. Paulson drafted conditions based upon what the board had talked about; hereto attached and made a part of these minutes.

Member K. Goldak moved to accept the Findings of Fact with the conditions imposed, close the public hearing and grant the variance request seconded by member R. Riley and passed by a unanimous roll call vote of 3 to 0.

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OLD BUSINESS- None

NEW BUSINESS- None

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board member K. Goldak moved adjournment seconded by member R. Riley and passed by unanimous voice vote. The meeting adjourned at 7:04 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

J. Ackerman, President

CONDITIONS

Petition of: 1051 Properties, LLC

Petition No.: 17-08

Property Address: 361 N. Calumet Road, Chesterton, IN

The following conditions are part of the variances granted the above-named Petitioners for variances in order to ensure sufficient access to the property:

- 1) The pergola and deck structure shall be similar in style to the attached photograph.
- 2) The Petitioner shall install safety ballards to a standard and at locations as approved and directed by the Building Commissioner.
- 3) The height of the pergola shall not exceed 12 feet.