

**CHESTERTON BOARD OF ZONING APPEALS**  
**FEBRUARY 22, 2018**  
**6:30 P.M.**

The meeting was called to order at 6:30 P.M. Present were members J. Ackerman, F. Owens, K. Goldak, J. Kowalski and President R. Riley. Town Engineer M. O'Dell was in attendance. Attorney J. Paulson was present as legal advisor. The pledge of allegiance was recited.

**APPROVAL OF MINUTES**

Member K. Goldak moved approval of the minutes from January 25, 2018 seconded by member J. Kowalski and passed by unanimous voice vote.

**PRELIMINARY HEARINGS**

**Town of Chesterton** requesting a variance to allow an accessory structure to be located two feet (2') from the rear lot line, where the Town Code requires five feet (5'), a variance of three feet (3'). A second variance is requested to allow an accessory structure to be located eleven inches (11") from the principal structure where the Town Code requires ten feet (10'), a variance of nine feet one inch (9'1"). A third variance is requested to allow an accessory structure to have a height of up to twenty feet (20') where the Town Code allows sixteen feet (16'), a variance of four feet (4'). **Petition 18-03** President R. Riley recused himself from any decisions concerning Petition 18-03 as he has been involved and consulted regarding the project. Vice President K. Goldak would chair the preliminary hearing regarding this item. Attorney J. Paulson recused herself from representing the Town of Chesterton for Petition 18-03 as she is legal advisor to the BZA.

Member J. Ackerman moved to retain Attorney G. Babcock for purposes of Petition 18-03 seconded by member F. Owens and passed by unanimous voice vote.

Town Engineer M. O'Dell of 1081 White Willow Lan, Chesterton IN. was present as Special Agent for Petition 18-03. He requested the board to consider suspending the rules for the late filing of the petition.

Member J. Ackerman moved to suspend the rules for the late filing of the petition seconded by member J. Kowalski and passed by unanimous voice vote.

M. O'Dell distributed to the board a color photo depiction of a boxcar and caboose to be located in Thomas Centennial Park. He told the board the railcars would be transformed into a unique restroom and cooling/heating facility. The chamber building is the principal structure on the lot. The two railcars would be situated on the east side of the chamber building with the entrance to both being located on the north side. There would be an ADA assessable deck/platform constructed from ruff sewn lumber installed along the rear property line. He walked members of the board through each variance request. He gave the board an overview of the interior buildout

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noting materials that would be incorporated into the design. Ace hardware has offered to donate plumbing fixtures some lavatories piping. The project cost is approximately \$7000.00 to do the buildout of the railcars. The platform and ramps would cost approximately \$35,000.00. He commented that this was a much needed and unique amenity to the town.

There being no questions from the board member J. Kowalski moved to set this item for public hearing at the March 22, 2018 meeting seconded by member F. Owens and passed by unanimous roll call vote of 4 to 0 with member R. Riley recusing himself.

**PUBLIC HEARINGS**

President R. Riley chaired the remainder of the meeting. Attorney Paulson acted as legal advisor.

**Southshore Development Group LLC. Jim Metcalf, Member** requesting a variance to waive the sidewalk requirements on Grant Avenue side. A second variance is requested to waive curb and gutter requirements for both Wabash Ave. and Grant Ave. A third variance is requested to install a four feet wide sidewalk rather than a five feet wide sidewalk on Wabash Ave. A fourth variance is requested to increase lot coverage from 30 percent to 40 percent a variance of 10 percent. **Petition 18-01** Rules for conducting a public hearing were read aloud the secretary verified proof of publication, notification and payment. Attorney G. Babcock was present as representation for the petitioners. He was accompanied by Charlie Ray of The Duneland Group. Mr. Ray was working with petitioners on the design of the duplexes as well as with the Plat Committee work to establish four buildable lots. Attorney G. Babcock distributed to the board an amended Findings of Fact. The site known as 609 & 611 Wabash, Chesterton formerly had a small home on it. The land is Zoned R-3. They would down utilize the lot to develop four duplex homes. The duplex would have approximately 1500 square feet of living space per side. Each unit having 3 bedrooms two and a half baths. Each would have a one car front loaded garage. The driveways would be 40 feet wide at the building as it comes to Wabash it would be about 25 feet wide. This design would offer residents the opportunity to have one car in the garage and two spots in front of each duplex. Residents might also use the wide driveway to turn around before exiting. The request to increase lot coverage might also allow for utility sheds. The town currently has adequate sewer capacity. The project is looked at this as an infill project that would fit with the surrounding area. The request to have four-foot wide sidewalks would mirror neighboring sidewalks. There are no sidewalks on the Grant Ave. side because it mainly the backyards of the houses on Wabash. There is a stretch of houses, apartments and few multi units along Grant Ave. but there are no sidewalks. He requested board members to consider waiving sidewalks along Grant Ave. He respectfully requested the board to consider granting the variance requests.

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

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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 requested that a condition be placed that sidewalks be installed along Wabash Ave. He had no issue with the wider driveways.

Mr. C. Ray would take this project to the Plat Committee for their approval. The project is less than 5 acres with no new road cuts. If approval is granted by this board publication of the project would be made according to Plat Committee rules.

Member K. Goldak commented that this project fills the void in that location nicely.

Member F. Owens commented that he would like to see sidewalks installed along Grant Ave. He felt there would be the potential for others to create the same type development in the future. A stretch of sidewalk 150 feet is nice for kids to ride bikes.

Member J. Kowalski felt that with no curb and gutter a sidewalk could be a detriment because of the heavy traffic.

Member R. Riley felt that sidewalks along Grant Ave. were unnecessary.

Mr. C. Ray said with the wider driveways the cost of installing the sidewalks along Grant Ave. would be nominal.

Attorney J. Paulson suggested that the petitioner withdraw their request to eliminate sidewalks along Grant Ave. The request would be to amend variance request and accept the revised Findings of Fact as presented. A condition would be added to that; The petitioner shall install a new four (4) foot sidewalk along the Wabash Ave. property frontage.

Member F. Owens moved to close the public hearing grant the variance requests as amended and accept the Findings of Fact, including the above-mentioned condition seconded by member K. Goldak and passed by unanimous roll call vote of 5 to 0.

**Michael Rugby Popa** requesting a variance to reduce a side yard setback from 20 feet to 8.31 feet a variance of 11.69 feet. A second variance is requested to increase lot coverage from 30 percent to 40 percent a variance of 10 percent. A third variance is requested to allow an accessory structure in the front plane of the home. A fourth variance is requested to reduce a side yard setback from 5 feet to 1.11 feet a variance of 3.89 feet for the purpose of constructing an accessory structure. **Petition 18-02** The secretary verified proof of publication and notification. The newspaper had not yet received payment. Mr. Popa was advised to pay the paper before he would receive his building permit. Mr. Popa was present. He told the board his family is interested in constructing an addition to the residence as well as a detached garage.

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He said that to the south of the home is greenspace/woods and behind the home is the golf course. He respectfully requested the board to consider granting the variance requests.

The secretary read into the record a letter from the Sand Creek HOA New Construction Committee which was in support of the petition. A copy of this letter can be found in the petition file.

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.

There being no questions from the board member K. Goldak moved to close the public hearing accept the Findings of Fact and grant the variance requests seconded by member F. Owens and passed by unanimous roll call vote.

**OLD BUSINESS- None**

**NEW BUSINESS- None**

**MISCELLANEOUS BUSINESS- None**

**ADJOURNMENT**

There being no further business before the board member J. Ackerman moved adjournment seconded by member K. Goldak and passed by unanimous voice vote. The meeting adjourned at 7:15 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

R. Riley, President