

**CHESTERTON BOARD OF ZONING APPEALS**  
**AUGUST 23, 2018**  
**6:30 P.M.**

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

**APPROVAL OF MINUTES**

Member K. Goldak moved approval of the minutes from June 28, 2018 seconded by member J. Kowalski and passed by unanimous voice vote.

**PRELIMINARY HEARINGS**

**Wilbert Hamstra, Inc.** requesting a variance on the east side of the building to increase permitted signage in excess of 80 sq. feet. Graphic face mural is 11 X 8= 88 and signage is 1 X 22 and 4 X 22, total 110 sq. feet. Signs do not include murals or decorations. A second variance is requested on the west side of the building to increase permitted signage in excess of 130 sq. feet permitted (120 + 25 +25=170 less 2 Antique signs on adjoining unit of 20 sq. feet each.) Graphic decorative awning 6 X 20= 120 sq. feet. Signage is 79 sq. feet. Signs do not include murals or decorations. A third variance is requested to permit a freestanding sign to be 22 feet in height where code permits 18 feet. A fourth variance is requested to permit a freestanding sign containing 101 sq. feet of signage per side and a wider pole incorporated into the sign design of 81 sq. feet. Ordinance provides for a maximum of 60 sq. feet per display surface or total of 120 sq. feet. Sign will have 2 display surfaces or total 202 sq. feet of sign and 162 feet of wider pole. A fifth variance is requested to permit temporary signs in accordance with Ordinance on east and west side of building. **Petition 18-06** Mr. Richard Anderson was present as legal representation for the petitioner. Mr. Greg Hamstra accompanied him. Attorney Anderson told the board Mr. Hamstra had entered into contract with owners of the property located at 1599-1601 S. Calumet Rd., Chesterton. Mr. Hamstra is interested in opening up a third location of Wise Guys Discount Liquors. The other two stores are located in Merrillville on Taft Street and in Hobart on US HWY 30. The location is the former CVS drugstore which has been vacated since 2011. The building is comprised of approximately 7500 square feet of space for the Wise Guys location. Kathy's Antiques is adjoining with approximately 1700 square feet of space. The petition for signage is to insure visibility from the back of the building which faces SR-49. The requests for signage would also help to ensure a viable business in a challenging location. Attorney Anderson said he was struggling with the towns interpretation of the proposed mural being included in the calculation of signage since "mural" as defined in the Chesterton Zoning Ordinance has no definition. The word mural is commonly defined as a painting or other artwork executed directly on walls. He referenced material depicting the stores mural.

Member K. Goldak clarified the words "Wise Guys" located on the back of the building would be signage containing channel letters.

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Attorney Anderson said the second variance request is for signage located on the west side of the building or the parking lot and entrance. He said the awning would not be considered signage because it contained no words. It is a decoration. He considered 100 East to be the frontage road for that building. They are fighting a huge spacing difference from the frontage road to their signage.

Member K. Goldak asked for clarification from the attorney or building department as to their position and interpretation of signage verses mural. If your branding/logo is included in the mural is it counted as square footage in the signage equation?

Attorney Paulson clarified that the Building Commissioner considers the logo as part of the signage as opposed to a decoration.

Town Engineer M. O'Dell clarified that an awning with the Wise Guys head/facial depiction, would be considered signage as that characterizes Wise Guys. The awning that provides color and depictions would be considered decorative and needn't be considered in signage square footage calculations. He said he would work with the petitioner and consider blocking out the branding/logo head and blocking out the wording Wise Guys and not consider the entire painted east wall a mural. It was also discussed that inside window adornments are not considered signage. There was some additional discussion about the south wall which depicts the branding/logo head. They would either include it in the signage calculations or remove it from the wall as clarified by M. O'Dell.

Attorney Anderson cited elevation issues with the request to increase the height of the sign from 18 feet to 22 feet. He clarified that he would be asking for 152 square feet on each side of the freestanding sign. He distributed a picture demonstrating the placement of the freestanding sign.

Town Engineer M. O'Dell noted some of the differences in the calculations of the square footage as it would relate to all components that make up the freestanding sign. In the end, the math and measurements would be determined in the petitioners amended petition.

Town Engineer M. O'Dell suggested working their way around the building to create a spreadsheet which coincided with the variance requests as it related to the Ordinance.

Member J. Kowalski commented that he didn't think they would get that much recognition from the freestanding sign. He suggested illuminating signage on the backside of the building and ditching the idea of the freestanding sign.

Attorney Anderson felt the reader board incorporated in the freestanding sign is where their best advertisement would come from.

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Attorney J. Paulson suggested over publishing for their square footage request if a variance gets dropped and another picks up the additional square footage it would be have been published. A square footage chart was requested as a part of the resubmission. She suggested a set of Findings of Fact for each variance request and urged the petitioner to strengthen their findings.

There was some additional discussion if the petitioner would be included in the South Calumet business placard. Attorney J. Paulson said that would be a question for the town council.

The petitioner was made aware that all items for resubmittal are due on Monday, September 10, 2018.

Member J. Ackerman moved to set this item for public hearing at the September 27, 2018 meeting seconded by member K. Goldak and passed by unanimous voice vote.

**PUBLIC HEARINGS- None**

**OLD BUSINESS- None**

**NEW BUSINESS- None**

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**MISCELLANEOUS BUSINESS**

Member K. Goldak questioned if there was any way for the town to require a defunct business to rent a property or tear it down within a certain amount of time.

Attorney J. Paulson said there is nothing under the town code that would allow you to do that unless it was an unsafe building situation.

Member K. Goldak suggested that the town put out some information about recycling. If you choose to recycle it has become increasing unclear what types of cans and plastics are acceptable and recyclable.

**ADJOURNMENT**

There being no further business before the board member K. Goldak moved adjournment seconded by member J. Kowalski and passed by unanimous voice vote. The meeting adjourned at 7:30 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved;

R. Riley, President