

CHESTERTON BOARD OF ZONING APPEALS
NOVEMBER 20, 2018
6:30 P.M.

The meeting was called to order at 6:30 P.M. Present were members F. Owens, K. Goldak, J. Kowalski, J. Ackerman 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 October 25, 2018 seconded by member F. Owens and passed by unanimous voice vote.

PRELIMINARY HEARINGS

BenLew Enterprises, LLC. Requesting a Use Variance to allow residential use in B-2 Zoning for third floor only. **Petition 18-12** The petitioner was not present at the evenings meeting. Member F. Owens moved to continue the preliminary hearing seconded by member J. Ackerman and passed by unanimous voice vote.

Attorney J. Paulson commented the petition could be dismissed if the petitioner was not present at the December meeting. She explained that the petition would not be denied only dismissed.

The secretary would contact the petitioner to make him aware of the board's action and his legal position as stated by Attorney Paulson. The December meeting would convene on December 27, 2019.

PUBLIC HEARINGS

Erik Weiler and Erica Christine Weiler requesting a variance to increase the height of a fence from 4 feet to 6 feet along County Road 50 East. **Petition 18-09 09** Rules for conducting a public hearing were read aloud. The secretary verified proof of publication, notification and payment. Mr. Weiler said they are looking to increase the height of the fence to provide extra privacy and safety for their children and pets. He respectfully requested the board to grant 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.

Attorney J. Paulson found the petition to be in order.

Town Engineer M. O'Dell found no issue with the variance request.

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Member J. Ackerman moved to close the public hearing accept the Findings of Fact and grant the variance request seconded by member J. Kowalski and passed by unanimous voice vote.

B & B Development, Inc. requesting a Use Variance to allow the establishment of a craft brewery at The Factory, where the table of uses does not show said use available in town. Petition 18-10 B & B Development, Inc. requesting a Use Variance to allow the establishment of a craft brewery at The Factory, where the table of uses does not show said use available in town. **Petition 18-10** The secretary verified proof of publication, notification and payment. Attorney G. Babcock was present as legal advisor for the petitioner Mr. Vernon Brown who would be the tenant/business owner. He was accompanied by Niki Grass a representative for the petitioner. She would be the manager of the business in this location if the variance was granted. Attorney G. Babcock told the board that Mr. Brown is looking to establish a brewery/restaurant. Although the site is zoned Industrial, in 1998 the BZA granted a variance for a restaurant/dining use at the 1050 Broadway, Suite #36 location. Unfortunately, that use does not include a craft brewery. The building has approximately 4500 square feet of space.

Nicki Grass of 152 Appletree LN., Valparaiso was present. She told the board she would be the tap room manager. The plan is to have a family friendly environment offering food. There would be four employees to start and hopefully a growing business would require additional employees. Hours of operation would be Monday thru Thursday 3:00 P.M. till 10:00 P.M., Friday Saturday and Sunday hours of operation would start at 11:00 A.M. She has 19 years of experience in the craft brewing industry.

Attorney Babcock told the board that this location has a three-way liquor license. They will have a family friendly dining area. Soon the town of Chesterton will become home to four brewery's and Mr. Brown is optimistic that Chesterton could become a destination place for enjoying and tastings craft beers just like Michigan. There is currently ample parking for the site. This would be a veteran owned business with Mr. Brown eager to host activities involving veterans. They were looking to be open by March of 2019. He respectfully requested the board to grant the Use Variance request.

Mr. Richard Neal from Neal Storage 657 Wabash Ave., Chesterton sent a letter 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.

Member J. Kowalski moved to close the public hearing, accept the Findings of Fact and grant the variance request seconded by member K. Goldak and passed by unanimous voice vote.

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R & A Holdings LLC By Richard Conner Riley requesting a Use Variance to the B-2 business district to continue a residential use. A second variance is requested to increase by 8 percent additional rear yard coverage to allow the construction of a residential garage. A third variance requested for other relief necessary to construct a residential garage. **Petition 18-11** President R. Riley recused himself from the proceedings of the petition. Vice President K. Goldak chaired for the petition. The secretary verified proof of publication, notification and payment. Mr. Riley told the board the need for this variance was discovered when he and his wife decided to build a garage behind their residence on Grant Street. Upon the garage company obtaining permits it was brought to their attention that the parcel would have lot coverage issues. It further evolved that the property is Zoned B-2 and the expansion of a non-conforming property in a B-2 Zoned also requires a Use Variance. He told the board any accessory structure in a B-2 Zone cannot occupy more than 30 percent of the rear yard. The garage would also include a patio with an overhang that would be a six-foot covered section of concrete located on the south of the garage. He distributed several depictions of the yard and neighboring properties. He also included a rendering of the proposed garage. He commented that once the garage is complete, they might think of leasing the residence and would keep the garage for storage and their vehicles. He respectfully requested the board to consider granting the variance requests.

Attorney J. Paulson said that the third variance request to include any other relief necessary to construct the residential garage is not necessarily a variance that could be granted by the board.

Town Engineer M. O'Dell commented that since there is no other issue and a blanket type variance could not be granted, he would like to see the third variance request withdrawn. The article and section numbers were filled out on the amended petition. Otherwise, he found the petition to be in order.

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 hearing was declared closed.

It was the general consensus of the board that the third variance would be withdrawn.

Member F. Owens moved to close the public hearing accept the Findings of Fact and grant the Use Variance and the Developmental Standard Variance the motion was seconded by member J. Ackerman and passed by a unanimous roll call vote of 4 to 0.

OLD BUSINESS- None

NEW BUSINESS- None

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MISCELLANEOUS BUSINESS

Member K. Goldak commented on the nice job that Wise Guys did on their building and signage. It has energized that section of town.

There was some additional conversation on the update consideration to the Comprehensive Plan. The Town Council would determine workshop dates.

Happy Thanksgiving to All was extended.

ADJOURNMENT

There being no further business before the board member F. Owens moved adjournment seconded by member J. Ackerman and passed by unanimous voice vote. The meeting adjourned at 7:10 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved: