

CHESTERTON BOARD OF ZONING APPEALS
APRIL 25, 2019
6:30 P.M.

The meeting was called to order at 6:30 P.M. Present were members F. Owens, J. Kowalski, K. Goldak and president R. Riley. Member J. Ackerman was absent. 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 J. Kowalski moved approval of the minutes from March 28, 2019 seconded by member F. Owens and passed by unanimous voice vote.

PRELIMINARY HEARINGS

Robert Johnson requesting a variance to increase lot coverage from 30 percent to 37 percent which is a variance of 7 percent. A second variance is requested to decrease the rear yard setback from 25 feet to 15 which is a variance of 10 feet. **Petition 19-10** The petitioner was not in attendance.

Attorney J. Paulson suggested that the board consider continuing the preliminary hearing. She clarified that if the petitioner fails to show up for two consecutive meetings the petition would be dismissed due to lack of prosecution.

Town Engineer M. O'Dell told the board he had been working with the contractor that the Johnsons had chosen for the project. Together they noted a few additional variances that were necessary to move forward on the project. He was surprised they were not in attendance.

Member J. Kowalski moved to continue the preliminary hearing until May 23, 2019 seconded by member F. Owens and passed by unanimous voice vote.

The secretary would reach out to the petitioners to make them aware of the nights action.

PUBLIC HEARINGS

Richard Neal Petition 19-06 (Petitioner has withdrawn petition.) The secretary read aloud a letter which was received from Attorney G. Babcock, legal representation for the petitioner. The letter; hereto attached and made a part of these minutes.

B & B Developers Inc. requesting a Use Variance for residential use in an I-1 Zone for a 40-feet by 30-feet second floor residence at west end of the factory building. **Petition 19-08** The secretary verified proof of publication notification and payment.

BOARD OF ZONING APPEALS

APRIL 25, 2019

PAGE 2

Attorney T. Hiestand was present as legal representation for the petitioner. He was accompanied by Bill Bennett. Attorney T. Hiestand told the board his client is interested in continuing the residential use of a space that has existed since 1990's. The unit was constructed by the owner of the bar and grill known as The Sidetrack the space provided a quiet retreat, office and storage space. The business and owner are no longer there but the unit is rented out. The space meets the required criteria for residential occupancy. When the petitioners took over the building an inspection lead to the discovery that there is a residential use in place in an I-1 Zoned property. He said the use is very compatible with what's located in the area. It presents no harm and does not adversely impact the surrounding neighbors. He respectfully requested the board to consider 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.

It was clarified that there was no intention to expand this residential use to other areas of the building.

Attorney J. Paulson suggested adding a condition to the petition if the board was inclined to grant the variance.

Member J. Kowalski motioned to close the public hearing, accept the findings of fact and grant the variance request with the condition that the Residential Use shall be limited to the existing residential unit at the west end of the building. The motion was seconded by member F. Owens and passed by a unanimous voice vote.

Bennett's Rentals, LLC requesting a Use Variance for climate a controlled storage in a B-3 Zone. **Petition 19-09** The secretary verified proof of publication, notification and payment. Attorney T. Hiestand was present as legal representative for the petitioner. He was accompanied by Mr. Bennett. He told the board that over the years this building was devoted to commercial uses and office spaces. Most of the building has since gone vacant and the petitioner is interested in utilizing the space for climate-controlled storage. In meeting with the fire chief, the property was found to be in acceptable condition for the proposed climate-controlled storage. The lease agreement would contain strictly forbidden items which include; NO storing of fire arms, paint, solvents, propane tanks, chemicals, any type of gas of anything that may have had gas in it, jewelry, antiques, food, drugs, any flammable materials, chemicals, or items valued over \$5000.00. The space would be broken up into 10 X 10 storage spaces. He respectfully requested the board to consider granting the variance request.

BOARD OF ZONING APPEALS

APRIL 25, 2019

PAGE 3

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

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Member K. Goldak asked what types of things do people generally store in climate-controlled units.

Attorney Hiestand listed items like clothing, furs, candles, furniture. Things that would be adversely affected by heat, cold, moisture and mold.

It was noted that an outdated site plan did include a building that had been previously removed.

Member F. Owens clarified that sprinklers are not required.

Member K. Goldak moved to close the public hearing accept the findings of fact and grant the variance requested seconded by member F. Owens and passed by unanimous voice vote.

Bradley and Christine Joyce requesting a variance to reduce a side yard setback from 10 feet to 5 feet, therefore a variance of 5 feet. **Petition 19-07 (The petitioner has formally requested to continue this item until the June 27, 2019 meeting.)** A letter dated April 17, 2019 was received from the petitioners. They formally requested to withdraw their petition.

OLD BUSINESS- None

BOARD OF ZONING APPEALS
APRIL 25, 2019
PAGE 4

NEW BUSINESS

Member K. Goldak said she would like to see the Kathy's Antiques sign removed. She noted that when the Wise Guy's petition was approved, they had committed to the removal of that sign.

Member K. Goldak noted that R & S Roofing & Home Improvement had erected an illegal sign near the former Trout Glass building.

Town Engineer M. O'Dell mentioned that the code enforcement officer had been out on leave and these two items would be addressed.

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board member F. Owens moved adjournment seconded by member K. Goldak and passed by unanimous voice vote.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved;

R. Riley, President

GREGORY T. BABCOCK

ATTORNEY AT LAW



111 SOUTH CALUMET ROAD
CHESTERTON, IN 46304

(219) 926-1738
FAX: (219) 929-1354

April 12, 2019

Town of Chesterton BZA
Chairman Rich Riley
1490 Broadway
Chesterton, IN 46304

RE: Richard L. Neal
BZA Petition - Brown Street

Dear Chairman Riley:

This letter is my formal notice to the Chesterton BZA that I am withdrawing the Petition of my client Richard Neal. Mr. Neal has reconfigured the site by eliminating 3 units on the front two buildings and therefore those buildings will meet the frontyard setback of 30'. Additionally, the Southwest building has been reduced in width from 10 x 20, to 10 x 14. That eliminates any issue with respect to sideyard setback requirements.

Mr. Neal took into account comments from the Board and eliminated the first two storage units on the Northwest building. That will give the customers the ability to travel South along the West side and have 34' of width as they exit East towards the existing drive. Finally, Mr. Neal has created an office on-site in the office building. It will have the same characteristics as found in the other six Storage Companies found in the Town of Chesterton with respect to office, signage, phone number, and drop-box.

The Board should note that there is an existing 6' fence along lots 4 and 5 of Pere Marquette Cottages between their rear yards and proposed building in the Northwest corner. Additionally, there is a heavy tree line along the North and East side of lot 3 in said Subdivision with does have a screening ability. Finally, the Southwest building will have its doors facing to the East and therefore, the area from the edge of the building West will still remain a grassy area. Lastly, Mr. Neal intends to do some landscaping along the entire front of the property in the future.

I would like to take this opportunity to thank you for your comments and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Gregory T. Babcock".
Gregory T. Babcock

GTB:baa

GREGORY T. BABCOCK
ATTORNEY AT LAW



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