

CHESTERTON BOARD OF ZONING APPEALS
AUGUST 26, 2021
6:30 P.M.

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

APPROVAL OF MINUTES

Member F. Owens moved approval of the minutes from July 22, 2021 seconded by member J. Carney and passed by Unanimous voice vote.

PRELIMINARY HEARINGS- None

PUBLIC HEARINGS

Bennett's Storage Inc. requesting a variance to install a 6-foot fence adjacent to a public right-of-way which exceeds the allowed 4.5 feet in height fence by 1.5 feet. A second variance is requested to construct a 6-foot fence in the front building plain of the petitioner's property. **Petition 21-09** President J. Kowalski read the rules for conducting a public hearing. The secretary verified proof of publication, notification and payment. Attorney D. Hiestand was present as legal representation for the petitioner. He told the board the petitioner is looking to install a 6-foot fence adjacent to the storage facility to provide added security. The Bennett's have experienced several break-ins recently. They feel the addition of the 6-foot fence might help detour any criminal activity. Attorney D. Hiestand included a site plan depicting placement of the fence as recommended by Mike Yacullo, INDOT-LaPorte District Traffic Investigator Engineer. Attorney Hiestand noted that the boards previous concerns regarding sight lines and visibility had been addressed. He respectfully requested the board to consider granting the variance requests.

Attorney J. Paulson noted that the amended Findings of Fact had been submitted late. She advised the board of their options and left it as a board decision.

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 was declared closed.

Attorney J. Paulson found the petition to be in order. The decision was up to the board.

Town Engineer M. O'Dell requested that a condition be added to the petition that the fence would be installed at a minimum to what was presented and depicted on the site plan.

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Member F. Owens said he would like to see the fence installed no closer than 2-feet from the property line.

It was the general consensus of the board that the information received for INDOT and the sight plan helped alleviate previous concerns.

Member F. Owens moved to grant the variance requests, accept the Findings of Fact with a condition that the fence would be installed a minimum of 2-feet behind the property line. The public hearing was declared closed and the motion was seconded by member R. Riley and passed by a unanimous roll call vote of 5 to 0.

OLD BUSINESS- Review suggested changes to clarify language contained in the Chesterton Board of Zoning Appeals petition process. Attorney J. Paulson said she had revised the draft to include the boards suggestions. Town Engineer M. O'Dell and town staff had made some additional suggestions which would be integrated into the packet. Each type of variance request whether; Developmental Standard Variance, Use Variance or Special Exception request would have its own set of forms packaged together.

Member R. Riley moved to accept the town staff recommendation. Each different type variance request would have its own separate packaged forms. The motion was seconded by member J. Ackerman and passed by unanimous voice vote.

Attorney J. Paulson said she would bring in a sample packet of forms for each particular type variance request.

NEW BUSINESS- None

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board President J. Kowalski called for adjournment seconded by member F. Owens and passed by unanimous voice vote. The meeting adjourned at 7:50 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved: