

CHESTERTON BOARD OF ZONING APPEALS
OCTOBER 28, 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, Town Manager D. Cincoski 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 R. Riley moved approval of the minutes from September 23, 2021 seconded by member J. Carney and passed by a unanimous roll call vote of 5 to 0.

PRELIMINARY HEARINGS

James L. & Mary K. Jeselnick requesting Use Variance to allow the establishment of a of a dog boarding facility with a dog daycare and dog grooming services, where the Table of Uses does not show said uses available in the Town of Chesterton. **Petition 21-12** Attorney G. Babcock was present as legal representation for the petitioner. He was accompanied by James Jeselnick and Sara Phipps. Attorney Babcock told the board the petitioners have a pending offer to purchase their lot located on Venturi Drive by The Phipps, who in turn wish to establish a dog boarding, grooming, and daycare facility. That Use is not permitted. The lot is 1.66 acres and Zoned B-3. The Phipps are looking to establish the facility because the service is currently not found nearby. Attorney Babcock called attention to neighboring businesses and open space surrounding the site. The building would be approximately 6900 square feet with a fenced rear yard. He noted the specifics of the operation would be addressed at the public hearing. He respectfully requested the board to consider setting this item for public hearing at the November meeting.

Attorney J. Paulson found the petition in order.

Town Engineer M. O'Dell noted there are no parking recommendations for this type of use. He suggested adding an additional variance for parking. He requested that the square footage of the building be confirmed.

Attorney G. Babcock said he would like to address parking in a condition of the petitions approval rather than adding a second variance request.

Attorney J. Paulson said she had no problem with a condition, together they could craft the appropriate language.

Town Engineer M. O'Dell suggested limiting the number of kennels that would be allowed at the facility. He asked for clarification regarding Sunday dog pick-ups.

**BOARD OF ZONING APPEALS
OCTOBER 28, 2021
PAGE 2**

Member F. Owens said he would like to see the number of kennels limited as well. The size of the lot could allow for more kennels in the future if the business is successful. Limiting the number of kennels would require the owners to come back before the board if the business of kenneling grows.

Member J. Carney thought this to be a good area for the business.

Member J. Ackerman said he would like to hear a bit more about the owner's background at the public hearing. He thought it is good location.

Member F. Owens said he would like to see the requirements for boarding dogs. He would like to see the language clarified for weekend dog pick-up.

It was the general consensus of the board that the November meeting would convene Tuesday, November 23, 2021. Member F. Owens moved to set this item for public hearing at the November 23, 2021 meeting seconded by member R. Riley and passed by unanimous voice vote.

PUBLIC HEARINGS

Yanovic Properties LLC-S Series 10 and Yanovic Properties LLC-S Series 11 requesting a Developmental Standard Variance to reduce the minimum lot width (Lot B) from 75 feet to 67.34 feet therefore a variance of 7.66 feet. **Petition 21-10** Rules for conducting a public hearing were read aloud. The secretary verified proof of notification, publication and payment. Attorney Katie Kopf of Hoepfner Wagner & Evans LLP was present as legal representation for the petitioner. She was accompanied by Scott Civanich of the Duneland Group. The property is located at 140 N. Jackson Blvd., Chesterton. The site is 2.4 acres and is Zoned R-2. It is the petitioner's intent to plat the five small lots into two lots in order to construct two duplexes for a total of four living units. The petitioners have been working with town staff to get the project underway once the variance request is granted. Lot A will front 16th Street and Lot B will front North Jackson Blvd. The petitioners would replace the sidewalk along Jackson Blvd. Attorney Kopf 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 told the board she had crafted a condition of the petition which would require the petitioner to install a sidewalk along N. Jackson Blvd. per town standards.

It was the general consensus of the board that this project is a good infill project.

**BOARD OF ZONING APPEALS
OCTOBER 28, 2021
PAGE 3**

Member R. Riley moved to close the public hearing, accept the Findings of Fact grant the variance subject to the condition of the sidewalk installation on N. Jackson Blvd. The motion was seconded by member J. Carney and passed by a unanimous roll call vote of 5 to 0.

William and Ann Kelly requesting a Developmental Standard Variance to reduce a front yard setback from 25 feet to 21 feet, therefore a variance of 4 feet. **Petition 21-11** The secretary verified proof of notification, publication and payment. Mr. William Kelly was present. He told the board he is interested in installing a front porch with an overhang. Their current porch offers no cover from the weather and is dangerous during the winter months when icy.

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 of the public was declared closed.

Attorney J. Paulson had no comment. This is a board decision.

Town Engineer M. O'Dell commented this is a board decision.

It was the general consensus of the board that this request would enhance the home and neighborhood.

Member J. Carney moved to close the public hearing, accept the Findings of Fact and grant the variance request seconded by member J. Ackerman and passed by a unanimous roll call vote of 5 to 0.

OLD BUSINESS- None

**BOARD OF ZONING APPEALS
OCTOBER 28, 2021
PAGE 4**

NEW BUSINESS- None

MISCELLANEOUS BUSINESS

Member J. Ackerman moved to convene the November meeting on Tuesday, November 23, 2021 seconded by member J. Carney and passed by a unanimous voice vote.

ADJOURNMENT

There being no further business before the board member F. Owens moved adjournment seconded by member R. Riley and passed by unanimous voice vote. The meeting adjourned at 7:05 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved;

J. Kowalski, President