

CHESTERTON BOARD OF ZONING APPEALS
MAY 26, 2106
6:00 P.M.

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

APPROVAL OF MINUTES

Member K. Goldak moved approval of the minutes from April 28, 2016 seconded by member J. Kowalski and passed by unanimous voice vote.

PRELIMINARY HEARINGS

William and Mary Scott requesting a variance to install a 6 foot privacy fence. **Petition 15-16** (continued from January) Mary Scott was present she was accompanied by her daughter Tamatha Scott Lozano. Mrs. M. Scott said they received approval for the markings for the fence. The fence posts have been removed. She said the front stake that was set originally was correct but the back stake was incorrect.

M. O'Dell said he would check with the neighbor and make sure that the neighbor is in agreement with the placement of the new stakes for the installation of the fence.

Attorney J. Paulson said the revised Findings of Fact are in order.

Members of the board clarified for the petitioners that this was a hearing that was open to the public.

President J. Ackerman clarified the requirements for the public hearing. It was the general consensus that the petitioner should obtain an updated list of property owners within 300 feet.

Member J. Kowalski moved to set this item for public hearing at the June 23, 2016 meeting contingent upon the building department being satisfied with the placement of the stakes seconded by member K. Goldak and passed by unanimous voice vote.

PUBLIC HEARINGS

Steve Tolton requesting a variance to increase cement coverage on the property from 30 percent to 36 percent to build a shed resulting in an increase of lot coverage by 6 percent. **Petition 16-04** Rules for conducting a public hearing were read aloud. The secretary verified proof of publication, notification and payment. Mr. Tolton explained that he was interested in constructing a shed. He said the shed would be a 10 foot by 10 foot shed. He was unsure of the

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placement of the shed. 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.

Attorney J. Paulson noted that the petitioner would need to change number 3 on the Findings of Fact.

Member J. Kowalski said he had no problem with the placement of the shed as long as it was within the correct parameters.

Town Engineer M. O'Dell said either of Mr. Tolton's locations would be acceptable.

Member K. Goldak moved to close the public hearing accept the Findings of Fact and grant the variance request contingent upon the placement of the shed being within the setback requirements seconded by member J. Kowalski and passed by a unanimous roll call vote of 3 to 0.

Sisters of St. Francis Health Services, Inc. requesting a variance to construct a single sided wall mounted sign on the west side of the building (24/7 EMERGENCY & URGENT CARE) where Ordinance allows 1 wall mounted sign which has already been used, therefore a variance of 1 additional single sided wall mounted sign. A second variance is requested to construct a single sided wall mounted sign on the west side of the building (24/7 EMERGENCY & URGENT CARE) having a gross surface area of 137.70 square feet where square footage allowed by Ordinance has already been used, therefore a variance of 137.70 square feet. A third variance is requested to construct two (2) single sided wall mounted signs (URGENT CARE) where Ordinance allowance for wall mounted signs has already been used therefore, a variance of two (2) single sided wall mounted signs. A fourth variance is requested to construct two (2) single sided wall mounted signs (URGENT CARE) each having a gross surface area of 5.31 square feet for a total of 10.62 square feet, where Ordinance allowance for square footage has already been used, therefore a variance of 10.62 square feet. **Petition 16-05** The secretary verified proof of publication, notification and payment. Attorney G. Babcock was present as legal advisor for the petitioner. He was accompanied by Scott Mundell Director of Business Development for St. Francis Health Services and also Travis Thatcher Curtis the Emergency Department Director for Franciscan Alliance. Attorney G. Babcock told the board the facility was built in 2012 where this board had approved a sign package. Since that time an Urgent Care Facility has been added. The petitioner is looking to advertise themselves as both an emergency care and urgent care facility. Both services are accessed using the same entrance.

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Mr. Scott Mundell of 3809 Autumn Ln., Valparaiso, IN. was present. He told the board Franciscan was the first to establish a freestanding emergency care facility in the region. They currently employ 40 plus full time positions there. They are now looking to invest an additional four million dollars in the facility this year for the build out of the second floor. They recognize the need for an urgent care facility to service the minor and major medical needs of the community. The urgent care would be open 24 hours a day 7 days per week. Patients would now be treated at the appropriate level of care based on their needs. Because they are open 24 hours per day a high visibility signage is necessary.

Travis Thatcher Curtis of 482 Ridgeland Ave., Valparaiso, IN. was present. As the Emergency Department Director for Franciscan Alliance it was determined that an emergency care facility is a responsible change for the community. Patients would come in and be assessed at the necessary level of care required and either be treated at the urgent care area or be directed to a higher level of response within the facility provided by emergency services. This would ensure a responsible level of charge for the patient.

Attorney G. Babcock provided a signage worksheet which would include the placement of the signs and the square footage. Signage on the south side of the building would be removed. All signage would be internally illuminated. He walked members of the board through the worksheet. He respectfully requested the board to consider granting the variances requested.

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 hearing was declared closed.

Member K. Goldak questioned the plans for a future helicopter pad.

Mr. Mundell said they have not finalized that yet but it could happen in the future.

Town Engineer M. O'Dell commented that they have the ground and stone in the back for the helicopter pad and that request is a part of the building permit.

Member J. Kowalski moved to close the public hearing accept the Findings of Fact and grant the variance requests seconded by member K. Goldak and passed by a unanimous roll call vote of 3 to 0.

R. Neal Enterprises I LLC, an Indiana Limited Liability Company requesting a variance to permit continued use of an existing two sided freestanding sign (large sign) having a gross square footage of 317.5 square feet, where the Ordinance allows 120 square feet, therefore a variance of 197.5 square feet. A second variance is requested to permit continued use of an existing freestanding sign (large sign) having a height of 21 feet where the Ordinance allows 18

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feet, therefore a variance of 3 feet. A third variance is requested to permit continued use of an existing two sided freestanding sign (small sign) where the Ordinance allows 1 freestanding sign which is already in use, therefore a variance of 1 additional freestanding sign. A fourth variance is requested to permit continued use of an existing two sided freestanding sign (small sign) having a gross surface area of 162 square feet where the Ordinance allowance has already been used, therefore a Variance of 162 square feet. **Petition 16-06** The secretary verified proof of publication, notification and payment. Attorney G. Babcock was present as legal representation for the petitioner. He was accompanied by Mr. Richard Neal. Attorney G. Babcock told the board that the sale of this property is complete. The owner is still in the process of clean-up while searching for what commercial activities might go into the site. The ABC license has been acquired as a part of the sale. The petitioner is interested in keeping the two signs that are currently there. He commented that the petitioner had examined the current signage and found them to be structurally sound.

Mr. Neal said there is some deterioration of the wooden sign which would be repaired but the signs were structurally sound.

Attorney G. Babcock said they are looking at applying ordinances to an older site and older building. The Chesterton Comprehensive Plan addresses the need to note vacant buildings and promote the efficient use of land. Furthermore, to maintain economic stability is to put vacant buildings back into service and encourage infill. The site had been in bankruptcy and shortly after the petitioners purchase of the site he received a notice to take the existing signage down. Here is someone in our community taking an interest in property that for the past two years has had inactivity. Mr. Neal is interested in following our comprehensive plan and taking something that has been vacant and falling into a state of disrepair and improving it. The small sign at 8th and Wabash does not cause any type of sightline issue. It can be painted to look better. It would give the future user an opportunity to advertise. He noted the larger sign is smaller in height than the repair facilities to its west. This building provides a larger structure with ample parking. He respectfully requested the board to consider granting the variances requested.

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.

Town Engineer M. O'Dell said he understands attorney Babcock's points. All previous owners had been notified about the signage but there was no response. He commented that he had investigated the signs and they are not in great condition. They are wood structures and have been there for a very long time. No business gets two freestanding signs. Yes we want infill and there would be no reason they couldn't get a monument sign at that location.

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Member J. Kowalski said he realized there are a lot of uses for that B-2 Zoned property. Mr. Neal has always done a very good job with all his properties. Signs need to be internally illuminated but that old wooden sign there's not a lot you can do with it. He commented it would be difficult to convince him that two freestanding signs are necessary when no one else is allowed that.

President J. Ackerman wondered if any potential lookers/buyers had mentioned keeping the current signage.

Mr. Neal said no. Signage was never mentioned.

Member K. Goldak asked the petitioner if he still would have purchased the property if it had no freestanding signs on it.

Attorney G. Babcock said the question about the signage would have been factored into the value of the property at the time of sale.

She commented that Mr. Neal always does a nice job with his properties and commended him on the purchase of this property. However, you shouldn't expect something no one else has. She suggested asking for an appeal to maybe allow him to keep the signs for now and put this on hold until something solid or an end user is interested.

Attorney J. Paulson said the issue is an appeal must be made within 30 days. An alternative is to grant a variance for them to keep the signage for a defined period of time. They would be required to come back if they wanted to keep the signage or it would automatically expire and they would have to come back before the board if they wanted to keep them. She said she only suggested this to come close to what member Goldak had proposed.

Member K. Goldak said her thought was to slow down the process and have Mr. Neal come back when he had a better idea of what the properties future might look like.

There was some additional conversation about the possibility of taking the smaller sign down and keeping the sign near the building. Attorney Babcock asked if they could have a monument sign at the allowable square footage. There was also a question of how much square footage they could have signage wise.

Town Engineer M. O'Dell said another consideration would be the distance from the right of way to the face of the building to 8th Street. If it's 100 feet or more they could have a freestanding sign and monument sign.

It was the general consensus that they would table this item until more information could be gathered.

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Member K. Goldak moved to continue the public hearing until the June 23, 2016 meeting seconded by member J. Kowalski and passed by unanimous voice vote.

MISCELLANEOUS BUSINESS

Mr. Shawn Petit of Lamar Sign Company of Gary Indiana was present. The purpose of his visit was to engage the board in conversation about the tri-wave sign located at Indian Boundary Road and Calumet Road. He told the board that the technology on the current tri wave sign was not functioning as intended. They are interested in converting that sign to a 10 foot by 10 foot sign LED Panel. There would be 6 ten second slots with 6 different advertising opportunities. It would operate 24 hours a day 7 days per week. This sign is located in a CSX Railroad right of way and they would be the petitioner. Although Lamar has 3 different tri wave signs operating in the town they were only currently interested in this sign.

Member J. Kowalski requested the light candle information upon their return.

Mr. Petit said they may be back some time in June or July. There would be no movement on the sign after each turn. There are currently 10 by 10 signs to view located in Chicago.

Members of the board requested the location of those signs in Chicago.

Attorney J. Paulson said most likely the petitioner would need a new petition to make the changes to the sign.

OLD BUSINESS- None

NEW BUSINESS- None

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ADJOURNMENT

There being no further business before the board member K. Goldak moved adjournment. The meeting adjourned at 8:05.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

J. Ackerman, President