

CHESTERTON BOARD OF ZONING APPEALS
JUNE 23, 2016
6:30 P.M.

The meeting was called to order at 6:45 P.M. Present were members F. Owens, J. Kowalski, and President J. Ackerman. Members K. Goldak and R. Corder were absent. Town Engineer M. O'Dell and Town Manager B. Doyle were in attendance. Attorney C. Nolan was present as legal advisor. The pledge of allegiance was recited.

APPROVAL OF MINUTES

Member J. Kowalski moved approval of the minutes from May 26, 2016 seconded by member F. Owens and passed by unanimous voice vote.

PRELIMINARY HEARINGS

Brian Lewandowski requesting a variance to allow 5962.5 lot area square footage where the current requirement is 7200 square feet on Parcel A. **Petition 16-07**

Brian Lewandowski requesting a variance to allow 5962.5 lot area square footage where the current requirement is 7200 square feet on Parcel A. **Petition 16-08**

Mr. B. Lewandowski was present as representation for the petition. He told the board that there is currently an old house on the property which is Zoned R-2. He said he could easily put a duplex on the site but feels the lot and neighborhood would much better suite a private residence with a cute little home. He commented that the surrounding area is for the most part single family homes.

Attorney C. Nolan told the petitioner that the Findings of Fact or page 25 must be completed and turned in by the petitioner. He requested that the petitioner calculate the difference between what is allowed by the Ordinance and what is being requested. The reduction in the square footage would equal the variance request. It was clarified that the minimum lot coverage is 7200 square feet.

Town Engineer M. O'Dell commented that the biggest area of concern would be on Parcel B. He advised the petitioner to consider that 30% lot coverage is what's allowed. If a driveway was installed or a concrete patio the lot coverage for the proposed 1500 square foot house could put the lot coverage over.

There was some conversation of reducing the lot coverage by constructing a two story home.

Town Engineer M. O'Dell commented that because Parcel A is corner lot, 40% lot coverage would be allowed. He reminded the petitioner to also take into consideration the overhangs on the homes as that would be included in the lot coverage calculation.

BOARD OF ZONING APPEALS

JUNE 23, 2016

PAGE 2

Members of the board reminded the petitioner that this is the time to consider any additional variance that might be needed. The required Findings of Fact and a clear variance request would need to be submitted by July 11, 2016. M. O'Dell said he would help the petitioner determine what percentage of lot coverage he would be over all factors considered.

It was explained by the board that all these items would be necessary by the July 11, 2016 submittal date. Notification to property owners within 300 feet would also be required. If the petitioner's Findings were not sufficient the public hearing next month could be continued.

Member F. Owens moved to set the two items Petition 16-07 and 16-08 for public hearing contingent upon meeting all the requirements prior to the hearing date seconded by member J. Kowalski and passed by unanimous voice vote.

PUBLIC HEARINGS

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 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** (A letter was submitted into the file requesting a continuance until the July 28, 2016 meeting.)

Member F. Owens moved to continue this item until the July 28, 2016 meeting seconded by member J. Kowalski and passed by unanimous voice vote.

William and Mary Scott requesting a variance to install a 6 foot privacy fence.

Petition 15-16 (continued from January) Rules for conducting a public hearing were read aloud. The secretary verified proof of publication, notification and payment. Mrs. Scott was present as representation for the petition. She was accompanied by her daughter Tamatha Lozano. Mrs. Scott explained that the home is situated on an angle where Michigan Avenue does not extend east to the house. The house is addressed on Michigan Ave. but the street does not go through. The town has vacated Michigan Ave. in that location. The post office box was placed on the paved alley side of the home. The petitioners want to install a 6 foot fence in what could be considered the front yard. A 4.5 foot fence would be allowable but the petitioners are requesting a 6 foot fence.

BOARD OF ZONING APPEALS

JUNE 23, 2016

PAGE 3

She told the board that the posts that had been installed on the neighbor's property had been removed the holes refilled and the location was grass seeded. The fence would provide privacy and a boundary for children and pets. She respectfully requested the board consider granting the variance request.

Tamatha Lozano of 108 S. 15th St., Chesterton was present to speak in support of the petition. She said the fence would provide a necessary boundary between the petitioner and the neighbor.

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 would like the petitioner to place the new fence posts about 6 inches off the string line which indicates the property line. Placement of the fence post 6 inches off the property line would allow them the ability to maintain the fence and landscape near the fence without encroaching on the neighboring property.

A condition would be added to the petition requiring all fence posts to be installed 6 inches off the property line. A typographical error on the petition was corrected by member F. Owens.

Member J. Kowalski moved to close the public hearing accept the Findings of Fact which would include the above mentioned condition and grant the variance request seconded by member F. Owens and passed by a unanimous roll call vote of 3 to zero.

OLD BUSINESS- None

NEW BUSINESS

Member J. Kowalski commented that member R. Corder had resigned from the board due to work schedule conflict. A new board member would be in place shortly.

BOARD OF ZONING APPEALS

JUNE 23, 2016

PAGE 4

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board member F. Owens moved adjournment seconded by member J. Kowalski and passed by unanimous voice vote. The meeting adjourned at 7:18.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

Joseph Ackerman, President