

CHESTERTON BOARD OF ZONING APPEALS
JULY 28, 2016
6:30 P.M.

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

APPROVAL OF MINUTES

Member F. Owens moved approval of the minutes from June 23, 2016 seconded by member K. Goldak and passed by unanimous voice vote.

PRELIMINARY HEARINGS

Centier Bank requesting a variance to permit the construction of a freestanding sign in a B-3 Zone, where a free-standing sign is not allowed. A second variance is requested to permit a freestanding sign having a total gross square footage of 152 square feet, where the Ordinance allows 120 square feet, therefore a variance of 32 square feet. A third variance is requested to permit the construction of a monument sign on South Calumet Avenue having a gross square footage of 60 square feet, where the Ordinance gross square footage allowance has already been used, therefore a variance of 60 square feet. **Petition 16-09** Attorney G. Babcock was present as legal advisor for the petitioner. He told the board the petitioner is interested in taking down the existing freestanding sign and relocating it to the northwest side of the building. This sign was installed at its current location in 2003 when South Calumet Ave. was a main thoroughfare to 1100 North. Since the improvements in the South Calumet Business District that road has since become a frontage road. The front entrance of the facility still faces South Calumet Road although patrons enter the facility using the ingress/egress located at the south west end of the property off of 100 East. A request to construct a monument sign is also being made to replace the freestanding sign once it is potentially relocated. He respectfully requested the board to consider setting this item for public hearing at the August meeting.

Attorney J. Paulson said the paperwork is in order but the Building Commissioner has identified a couple of issues with the amount of signage being requested. The petitioner must take into account the existing signage on the site. The Ordinance allows 120 square feet total for everything that is existing on the property. The variance requests need to take into account what is already there.

Attorney G. Babcock understood he needed to recalculate the variances and amend the petition.

Town Engineer M. O'Dell clarified that Attorney G. Babcock would have separate Findings and Decisions. Furthermore, he requested a site plan showing placement of the signs.

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Member K. Goldak asked if the petitioners had explored all the other options for signage. The South Calumet Business District has an existing monument sign with Centier Banks name on it along with neighboring businesses. She commented that a bank is usually a destination customers already know where the facility is located.

Attorney G. Babcock said attractive signage would attract new patrons.

Member F. Owens was in agreement with member Goldak. He commented that a freestanding sign is not in keeping with the vision for that area. He questioned what the practical difficulty was.

Attorney G. Babcock said the major change of the road presented new challenges for the petitioner.

Member K. Goldak suggested moving the current wall mounted sign located in the drive-up to the west side of the building where it might be more visible.

Member K. Goldak moved to set this item for public hearing at the August 25, 2016 meeting seconded by member F. Owens 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** Attorney G. Babcock was present as legal representation for the petitioner. He was accompanied by Richard Neal. Attorney G. Babcock said based on comment from the previous meeting the idea is to change the larger sign in the future. Members of the board would review conditions with respect to the large sign and small sign.

President Ackerman chose to reopen the public comment portion of the continued public hearing. There was no one present to speak in support of the petition.

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There was no one present to speak in opposition to the petition. The public comment portion of the hearing was declared closed.

Member K. Goldak asked if there had been any new developments with the property.

Mr. Neal said no. There is no fixed use.

Attorney G. Babcock said the freestanding sign would be repaired and when the building sold the new owner would have the opportunity to utilize the freestanding sign until such time that it would be replaced. A copy of the proposed conditions are; hereto attached and made a part of these minutes.

Member F. Owens asked for clarification of the current freestanding sign.

It was clarified that the current freestanding sign is 21 feet to the top with 150 square feet per side with no illumination.

It was clarified that the small sign would be replaced and a new monument sign would be installed having a total square footage of 96 but would not exceed 8 feet in height.

Member F. Owens suggested a smaller monument sign having 30 square feet per side for a total of 60 square feet and not exceed 8 feet in height. The larger freestanding sign would be no higher than 18 feet and 60 square feet per side for a total of 120 square feet.

M. O'Dell suggested adding a condition that would place a time limit for the freestanding to exist. It was the general consensus of the board that the freestanding sign could exist for a maximum of 5 years.

Member K. Goldak suggested that if an act of God occurred, and the freestanding sign came down, then any replacement sign must reference Petition 16-06.

Member R. Reiley asked if the new replacement monument sign would be installed in the same location as the smaller sign. He wondered if that was a good location.

Attorney G. Babcock said the location for the new monument sign would be fine. There are no line of sight issues.

In conclusion M. O'Dell understood the new conditions for Petition 16-06 to be as follows; the monument sign shall be no higher than 8 feet having a total of 60 square feet or 30 square feet per side and be placed in the current location. The larger sign would have a 5 year term limit. It would be no higher than 18 feet high having a total of 120 square feet total area or 60 square feet per side. If it comes down "Force Majeure" the conditions set in Petition 16-06 would apply.

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Attorney G. Babcock and Attorney J. Paulson agreed to revise the conditions.

Member F. Owens moved to close the public hearing, grant the variances accept the Findings of Fact contingent upon the conditions being revised as discussed seconded by member R. Reiley and passed by unanimous roll call vote of 4 to 0.

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**

Attorney J. Paulson advised the board that since the two Lewandowski Petitions are largely the same request they could be heard as one request. Members of the board would vote on each petition separately.

Member F. Owens moved to combine Petitions 16-07 and 16-08 seconded by member R. Reiley and passed by unanimous voice vote.

Rules for conducting a public hearing were read aloud. The secretary commented that she had not received proof of payment.

Attorney J. Paulson said if the variance were granted it would be contingent upon the publication being paid.

Mr. Brian Lewandowski said the lot is Zoned R-2. He could potentially construct a duplex on the lot. It was his desire to split the lot and construct two single family homes to keep the character of Chesterton. He respectfully requested the board to consider granting the variance request.

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

Darrel Hoover of 1509 Park Ave., Chesterton was present to speak in opposition to the petition. He felt that there would be safety concerns with the house placement on Parcel A, which is the corner of Park and 16th Street. The house on Parcel A would stick very far forward.

Mr. Bergren of 1601 Park Ave., Chesterton was present to speak in opposition to the petition. He felt that the value of their property would be lowered because of the two small lots and smaller homes.

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Levi Mayes of 1604 Union Ave., Chesterton was present to speak in opposition to the petition. He said he was concerned about the traffic pattern. Park Ave is about 12 feet south of where it should be. The front of Parcel A would abut the blacktop. He did not like the idea of two small homes on the small parcel.

Mr. Lewandowski said he could potentially make the home a bit smaller to stay off the corner. He felt that the value of those two homes would be much greater than the value of a single duplex.

The public comment portion of the public hearing was declared closed.

Town Engineer M. O'Dell said that if the petitioner rotates the home on Parcel A to face 16th Street then the side street setback is only 15 feet. All the other homes along Park Ave. face north and there would be a 25 foot building setback. There is no safety issue. He may not have as much grass as everyone but Park Ave. has always been that way. If left alone, he can construct a duplex on the lot and meet all the requirements. He noted that Parcel B would have a request to increase the lot coverage by 10 percent for a total of 40 percent lot coverage.

Attorney J. Paulson said Finding of Fact #3 would need to be changed.

Member K. Goldak commented that the homes are all well maintained. She asked why he wanted two homes rather than a duplex.

Mr. Lewandowski said he thinks that a cute area and felt that two smaller homes would be in keeping with the area.

Member F. Owens clarified for neighbors in attendance that the petitioner could construct a duplex.

President Ackerman commented that neighbors don't like the thought of two single family homes.

Mr. Lewandowski said he didn't mind he would be fine constructing a duplex.

Member R. Reiley thought the neighbors would find it more in keeping with the neighborhood feel to have two single family homes.

Mr. Lewandowski said if he built two houses he would probably live in one of sell them both. If he builds a duplex he would most likely rent both sides.

President Ackerman asked if he would like to proceed with the request for the two homes.

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Mr. Lewandowski said he would like two single family homes and proceed with the petitions.

Member R. Reiley asked M. O'Dell to quantify the variance request.

Town Engineer M. O'Dell said this is a minor request. He could construct a duplex and rent them and have new neighbor coming and going all the time. The request for two small single family homes would not be out of line.

Member K. Goldak moved to continue the public for Petition 16-07 and 16-08 until August seconded by member R. Reiley and passed by unanimous voice vote.

There was some additional conversation that perhaps the petitioner could get together with neighbors to show them his idea for homes. It was understood that if the petitioner decides to construct a duplex he would not be back before the board in August.

OLD BUSINESS- None

NEW BUSINESS

Members of the board welcomed Mr. Richard Reiley.

Mr. Richard Reiley the newest member of the board was sworn in earlier in the meeting by Attorney C. Nolan. Mr. Reiley said he has been a resident of Chesterton for the past 8 years. He and his wife own Reiley's Railhouse on 4th St. Mr. Reiley is also an attorney practicing law specific to zoning and wireless facilities.

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MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board member F. Owens move adjournment seconded by member R. Reiley and passed by unanimous voice vote. The meeting adjourned at 8:15 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

J. Ackerman, President

WRITTEN CONDITIONS
FOR PETITION 16-06
R. NEAL ENTERPRISES I LLC
PROPERTY LOCATED AT 124 N. 8TH STREET, CHESTERTON, IN

Findings A & B should have the following conditions imposed:

Petitioner may retain the existing freestanding sign (large sign) but will clean and repair the same within the next 60 days. Petitioner shall not use any external lighting now and in the future for any advertising of the tenants in the building. Additionally, should the Petitioner desire to redo the freestanding sign, he will keep the same location. Said new sign height will not exceed 18 feet. Further, total signage that would be allowed would be 150 square feet per side and the same shall have internal illumination. The same is subject to any permitting process in effect at the time of the request.

Findings C & D should have the following conditions imposed:

The Board finds that the freestanding sign (small sign) should be removed within 60 days after the execution of the Findings. The Petitioner would be allowed to construct a monument sign in that location, the same not to exceed 96 square feet of signage and it shall have internal illumination. The same may contain a reader board aspect as part of the 96 square feet. The same is subject to any permitting process in effect at the time of request.