

CHESTERTON BOARD OF ZONING APPEALS
AUGUST 25, 2016
6:30 P.M.

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

APPROVAL OF MINUTES

Member K. Goldak moved approval of the minutes from July 28, 2016 seconded by member R. Riley and passed by unanimous voice vote.

PRELIMINARY HEARINGS

James Kurczewski requesting a variance to construct a front porch which is 18 feet 6 inches from the front lot line where the Ordinance requires a 20 foot front yard setback, therefore a variance of 1 foot 6 inches. **Petition 16-10** Attorney G. Babcock was present as legal representation for the petitioner. Mr. Kurczewski accompanied him. Attorney Babcock told the board the petitioner purchased his home in 1980 and the front porch was 6 feet. Over time the petitioner had made improvements and added onto the porch. Recently the petitioner was having their roof redone and the contractor wanted to tie the roofline into the porch. The building department informed the petitioner that there is a front yard setback violation. The home is located in an R-3 Zone with the Ordinance requiring a 20 foot setback. The porch is currently encroaching into that setback by 1 foot 6 inches. He respectfully requested the board to consider setting this item for public hearing at the September meeting.

Attorney J. Paulson said the paperwork was in order.

Town Engineer M. O'Dell said the property owner understood the issue.

Member J. Kowalski moved to set this item for public hearing at the September 22, 2106 meeting seconded by member K. Goldak and passed by unanimous voice vote.

Joyce A. Fleming Revocable Living Trust requesting a variance to reduce a front yard setback. A second variance is requested to reduce a side yard setback. **Petition 16-11** Attorney C. Fleming was present as legal representation for the petitioner. He was accompanied by the petitioner. He told the board they are interested in constructing a ranch style home on Wilson Street. This parcel abuts Coffee Creek Park and has lovely mature maple trees throughout the parcel. The front yard variance would be 8 feet and the side yard variance would be 9 inches. He respectfully requested the board to consider setting this item for public hearing.

BOARD OF ZONING APPEALS
AUGUST 25, 2016
PAGE 2

Attorney J. Paulson commented that the POA document was not authorized. She requested an amended petition with the calculated variance request. She suggested he look at strengthening the Findings of Fact.

Member K. Goldak asked about a previous variance on this property.

Attorney C. Fleming said that through a minor plat process the parcel was platted for three lots. Concerns about preserving the maples resulted in the Fleming's getting a waiver to place sidewalks on their property. New sidewalks would be installed on the parcel.

Town Engineer M. O'Dell asked for a drawing showing the placement of the home.

Member J. Kowalski moved to set this item for public hearing at the September 22, 2016 meeting seconded by member R. Riley and passed by unanimous voice vote.

PUBLIC 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**
(Continued from July 28, 2106)

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**
(Continued from July 28, 2106)

Member F. Owens read rules for conducting a public hearing.

Attorney J. Paulson told the board that public notice for these two items was not made within the required timeframe. She said there was no issue having discussion with the petitioner this evening but any final decisions should not be made at tonight's meeting. She suggested setting a date for a special hearing to make a final decision.

Mr. Lewandowski said he was fine with the board setting a special meeting date. He said that in conversation following last month's meeting remonstrators better understood the petitioner's two options. In conversation, the neighbor to the east of the parcel told Mr. Lewandowski he would rather have him construct the two smaller single family homes verses the duplex.

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

There was no one present to speak in opposition to the petition.

BOARD OF ZONING APPEALS
AUGUST 25, 2016
PAGE 3

Member R. Riley moved to continue the public hearing to a special meeting date seconded by member J. Kowalski it was the general consensus of the board to convene the special meeting for this item on Wednesday August 31, 2016 at 6:30.

The petitioner was in agreement.

Notice of the special meeting was given to the Chesterton Tribune.

Member J. Kowalski suggested that if the board granted the variance requests then ONLY one single family home could be constructed on Parcel A and one single family home on Parcel B. The option to construct a duplex would no longer exist.

Member K. Goldak moved to continue the public hearing until August 31, 2016 at 6:30 seconded by member J. Kowalski and passed by unanimous voice vote.

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 (Request to Continue)** Attorney G. Babcock was present as legal representation for the petitioner. He was accompanied by a representative from the bank. Attorney Babcock distributed to the board a depiction of what he would call the "salvaged portion" of the current freestanding sign. A site plan would indicate that the salvaged portion of the sign would be relocated to the northwest corner of the parcel or 100 East. A smaller monument sign was proposed to infill where the relocated freestanding sign once stood. The drive through signage was measured 30 square feet.

Attorney J. Paulson clarified that this evening's presentation would be considered a continuation of the preliminary hearing.

Member J. Kowalski asked if there had been a previous variance granted on this parcel.

Town Engineer M. O'Dell said he thought it could have been for the ATM. He said he would look into that.

Member K. Goldak asked if the ATM should be included in the signage calculations.

Town Engineer M. O'Dell said he would look that up.

Member J. Kowalski clarified that now the petitioner didn't want a freestanding sign.

BOARD OF ZONING APPEALS

AUGUST 25, 2016

PAGE 3

Attorney Babcock said that based on last month's discussion the petitioner would consider not pursuing the request to save and relocate the entire freestanding sign.

Member J. Kowalski reminded the petitioner that freestanding signs are not allowed in the South Calumet Business District. He understood that the existing freestanding sign is grandfathered in. It is a legal non-conforming sign. Now, the petitioner is looking to have two monument style signs. The proposed replacement monument sign to be located at the front entrance of the facility would be 40 square feet. The relocated salvage portion monument sign would be located at the 100 East entrance. It would be 10 feet 8 inches in total height and be 8 feet in width. It would have internal illumination.

Member J. Kowalski commented that this salvage monument sign would have the business district looking like Las Vegas. He thought the square footage request was outrageous. He also expressed concerns about the salvage sign screening/obstructing neighboring businesses. He commented, "The next thing you know they're going to want more signage."

Member K. Goldak commented that next month she hoped to see a revised amended petition.

Member J. Kowalski moved to continue the public hearing seconded by member K. Goldak and passed by unanimous voice vote.

OLD BUSINESS

Revised Written Conditions for Petition 16-06, R. Neal Enterprises, LLC

Attorney J. Paulson said she and Attorney G. Babcock had put the conditions into written form that both attorneys's agreed had been discussed. Those are now attached to the petition.

**BOARD OF ZONING APPEALS
AUGUST 25, 2016
PAGE 4**

NEW BUSINESS- NONE

MISCELLANEOUS BUSINESS- NONE

ADJOURNMENT

There being no further business before the board member K. Goldak moved adjournment. The meeting adjourned at 7:28 P.M.

Respectfully submitted,

Gail A. Murawski, secretary

Approved:

J. Ackerman, President