

CHESTERTON BOARD OF ZONING APPEALS
NOVEMBER 22, 2016
6:30 P.M.

The meeting was called to order at 6:30 P.M. Present were members K. Goldak, J. Kowalski and F. Owens who chaired the meeting. President J. Ackerman and member R. Riley 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 K. Goldak moved approval of the minutes from October 27, 2016 seconded by member J. Kowalski and passed by unanimous voice vote.

PRELIMINARY HEARINGS

Joyce A. Fleming Revocable Living Trust requesting a variance to reduce a front building setback line from 25 feet to 3 feet. A variance of 22 feet. **Petition 16-14** Mr. C. Fleming was present as representation for the petitioner. Mr. Fleming said he had meet with a geotechnical engineer who informed the petitioner that there are issues with the parcel on Wilson Street with potential erosion. The option available to them is to move the house forward. He respectfully requested the board to consider granting the variance request.

Member F. Owens noted that the previous variance granted on this parcel would reduce the building setback from 25 feet to 9 feet.

Mr. Fleming said that from past experience with town attorney J. Paulson, the preference is to take the variance back to the ordinance requirements and go from there. The foundation of the home would be 5 feet from the building line with the home setback 21.5 feet from the curb to the foundation. The overhang on the home would be 21 to 24 inches.

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

PUBLIC 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** Rules for conducting a public hearing

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were read aloud. Attorney G. Babcock was present as legal representation for the petitioner. He advised the board that there had been no publication and no notices sent additionally no new material was submitted. He said he had meet with Centier to design a site plan for the property. He distributed those materials to the board. He asked to amend the petition. He respectfully requested to board to allow him to present a revised concept and solicited questions and comments from the board similar to a preliminary hearing. In summary, the revised plan would request a monument style sign located at the northwest corner of the parcel. The sign would be 90 square feet total, 45 square feet each side and 6 feet 6 inches in height. Example B, depicted a monument sign on South Calumet it would be 30 square feet total and internally illuminated. The signage worksheet would show petitioners eliminated the existing freestanding sign as well as the awning sign located over the drive thru. Their amended petition would be to allow two monument signs on the site.

Town Engineer M. O'Dell said he would like to see the minimums from the property lines. There is a sanitary sewer that runs east and west along the north property line. The sign would need to be placed outside the easement. He would ask for verification that the base of the sign would not be internally illuminated. He commented that it would be nice if Centier would use the same architectural stone that was used in the South Calumet region remodel.

Member K. Goldak wondered if petitioners could quantify Centier's loss of business as a result of the South Calumet reconfiguration.

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

Michael J. Monaco, Jr and Camille L. Monaco, husband and wife requesting a variance of 8 feet to allow a reduction of 25 feet platted rear yard to 17 feet. A second variance of 1 foot is requested to allow a reduction of 10 feet platted side yard to 9 feet for the projection of eave and gutter even though foundation is outside side yard setback. A third variance of the requirement found in definition of building requiring that attached structures share a common wall that is 50% of the wall of each structure to allow a common wall of 7.5 feet of 32 feet of the common wall existing structure and a common wall of 7.5 feet of 32 feet 1 inch of the common wall of the proposed addition or 23% of each common wall. A fourth variance for total lot coverage (includes all impermeable surfaces including driveways, sidewalks, and patios) of 46 % in excess of the 30% standard. **Petition 16-13** The secretary verified proof of publication, notification and payment. Attorney T. Hiestand was present as representation for the petitioner. Mr. Monaco accompanied him. Mr. Monaco said the house located in Sand Creek had been sitting vacant for 7 plus years. After they purchased the home they were unable to move into the home for nearly 5 months. The home was rented to students prior to their purchase and was in a state of disrepair. Since purchasing the home they have made significant improvements to the home totaling \$250,000.00. They recently sold property in Michigan and are looking to have somewhere to store and consolidate household and recreational items currently held in storage units. Surrounding

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neighbors have no issue with the addition. They have applauded the improvements made to the home and neighborhood.

Attorney T. Hiestand explained, attaching the proposed garage by less than 50% of the common wall as depicted on the site plan allows the petitioners access to the additional garage without having to reconfigure the main living spaces in order to connect rooflines. It is for this reason the petitioner is also seeking to reduce rear and side yard setbacks.

Attorney Hiestand called attention to a worksheet which would breakdown lot coverage with respect to house, patio, driveways and sidewalks. He commented that if the golf course behind the residence is considered open space lot coverage of 40% is permitted therefore the variance would only be 6% over the ordinance allowance.

M. O'Dell said technically the golf course would not be considered permanent open space because that over time that could change. That's why the variance request used the 30% regulation.

There was 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.

It was the common concern of the board members and staff that the garage addition would have no connection between the second floor and the main living area. They verified there would be no use of the structure for residential purposes.

Mr. Monaco said the addition was strictly storage it would have no air conditioning and no connection from the residence on the second floor. The floor of the garage would be heated for car storage. The only access is from the breezeway connection.

Town Engineer M. O'Dell said he would like to see that as a condition of the petition. He asked the petitioner to verify that there is no drainage easement on or within the setbacks.

Attorney C. Nolan crafted conditions that would be imposed as follows; No residential use of the second floor of the new garage. No connection between the second floor of the existing home. and 2nd floor of the new garage. Submission of survey showing no drainage easement in rear yard before a building permit is issued.

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

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OLD BUSINESS

Town Engineer M. O'Dell said that there are a few errors in the Sign Ordinance that need to be taken of. He would be seeking the plan commissions assistance in this matter.

NEW BUSINESS- None

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board member J. Kowalski moved adjournment seconded by member K. Goldak and passed by unanimous voice vote. The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

J. Ackerman, President