

**CHESTERTON BOARD OF ZONING APPEALS**  
**SEPTEMBER 27, 2018**  
**6:30 P.M.**

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

**APPROVAL OF MINUTES**

Member K. Goldak moved approval of the minutes from August 23, 2018 seconded by member F. Owens and passed by unanimous voice vote.

**PRELIMINARY HEARINGS**

**Daniel R. Opyt, Sr. and Patricia A. Opyt, husband and wife** requesting a variance to construct a monument sign 4 feet from the property line where the Ordinance requires a setback of 10 feet, therefore a variance of 6 feet. **Petition 18-07** Attorney G. Babcock was present as legal advisor for the petitioner. Mr. Opyt accompanied him. Attorney G. Babcock told the board the petitioners have been the owners of Danny O's restaurant and bar since 1999. The existing sign was built in 1965 for what was the former Rigg's Drive-In. The petitioners are interested in installing a new sign and discovered that a portion of the existing sign hangs into the town right-of-way. The proposed sign would be a monument sign with a dynamic display. The unique configuration of the site necessitates placing the new sign in the same general area. He respectfully requested the board consider setting this petition for public hearing at the October meeting.

Member K. Goldak clarified that the proposed sign would have a message center.

Attorney G. Babcock said they would be altering the landscape and no further variances would be necessary.

Member F. Owens moved to set this item for public hearing at the October 25, 2018 meeting seconded by member K. Goldak and passed by unanimous voice vote.

**Lloyd and Aurora Kittredge** requesting a variance to have a sign on the outside of the window. At this time the code does not allow. A second variance is requested to have a window sign of 56 square feet goes over the allowed 80 square feet by 34 square feet therefore, a variance of 34 square feet. **Petition 18-08** Mr. and Mrs. Kittredge were present. Mr. Kittredge told the board the sign that is currently on the window is a perforated shade. It provides thermo screening and allows the petitioner to see out while making it difficult for passersby to see in as that is his office. He respectfully requested the board to consider setting this petition for public hearing at the October 25, 2018 meeting.

**BOARD OF ZONING APPEALS**  
**SEPTEMBER 27, 2018**  
**PAGE 2**

The sign/shade that exists on the outside of the window is the actual sign that this variance is for. He was unaware that the Ordinance did not allow for such signage.

Town Engineer M. O'Dell explained that the petitioner is allowed 80 square feet of total signage. The existing awning sign took up a portion of that square footage. There was a remaining 26 square feet to be utilized but he still needs an additional 34 square feet. If this was something that was applied to the interior of the window, he would not need a variance at all.

Attorney J. Paulson instructed the petitioner to provide a list of property owners within 300 feet and a map showing where they are located. Additionally, she requested that both petitioners sign the petition.

Member J. Kowalski moved to set this item for public hearing at the October 25, 2018 meeting seconded by member K. Goldak and passed by unanimous voice vote.

**PUBLIC HEARINGS**

**Wilbert Hamstra, Inc.** requesting a variance to permit a free-standing sign exceeding the maximum of 120 sq. ft. (60 sq. ft. per display surface) and exceed the maximum signage permitted on site. Proposed sign will contain 223 sq. ft. of signage per side and a wider pole with no signage or logo on it incorporated into sign design of 61 sq. ft. per side. (Total west side pole is 87.7 sq. ft. less 1-ft. 4-in. pole required to support sign (20 ft. x 1'4" = 26.7 sq. ft.) = 61 sq. ft. A second variance is requested on the east side of the building to increase signage to 110 sq. ft. from 80 sq. ft. permitted by Ordinance and exceeding the maximum signage permitted on site. Signage is 1x22 and 4x22 for a total of 110 sq. ft. (Ordinance No. 2016-03, Sec. 4). A third variance is requested to permit free-standing sign to be 22 ft. in height. Ordinance permits 18 ft. above the level of the street upon which the sign's lot has frontage (or) above the unaltered ground whichever is lower. A fourth variance is requested to permit temporary signs in accordance with Ordinance (48 sq. ft. maximum) on east side of building. **Petition 18-06** Rules for conducting a public hearing were read aloud. The secretary verified proof publication, notification and payment. Attorney Mark Anderson of Anderson & Anderson was present as legal representative for the petitioner. Attorney Anderson told the board that Mr. Collins had entered into contract with owners of the property located at 1599-1601 S. Calumet Rd., Chesterton. Mr. Collins is interested in opening up a third location of Wise Guys Discount Liquors. The other two stores are located in Merrillville on Taft Street and in Hobart on US HWY 30. The location is the former CVS drugstore which has been vacated since 2011. The building is comprised of approximately 7500 square feet of space for the Wise Guys location. Kathy's Antiques is adjoining with approximately 1700 square feet of space. The property is Zoned B-3. The petition for signage is to insure visibility from the back of the building which faces SR-49. The requests for signage would also help to ensure a viable business in a challenging location. Ongoing improvements to the property include the repaved parking lot in addition parking lot lighting has been installed. The interior is also currently under

**BOARD OF ZONING APPEALS  
SEPTEMBER 27, 2018  
PAGE 3**

construction. Since the preliminary hearing the petitioner has heeded the recommendations of the board and removed the "logo head" from the awning and the north side of the building.

Attorney Anderson walked members of the board through the variance requests. The reason for the larger sign with the larger supporting poles is to call attention to the business. The typography of the land and neighboring building distractions make it visually difficult to find the building. Petitioner's would be looking to attract patrons from heavily traveled SR49. Given the setback from SR49 the channel letter signage on the east side of the building is meant for patrons to identify the building. Temporary signage would be requested given the fact that the channel lettering might not be available before the intended opening.

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.

Member K. Goldak asked for clarification regarding a digital reader board. She questioned how often messages would change.

Attorney M. Anderson said they were unsure if they would be installing the digital reader board because of the expense. They most likely would open the store with a manual reader board.

Town Engineer M. O'Dell said they would have to come to an agreement regarding the temporary banner signs. A timeframe would be worked out with the petitioner depending on when the permanent signage would be complete.

Member J. Kowalski said he realized the disadvantage given the location of the building and its relation to South Calumet. We don't want to be the board that says no to directing business towards that part of town. More and more businesses are incorporating signage right on the buildings and its important to exercise good taste. He commented that the size and height of the freestanding sign given its location was not excessive. He commended the petitioner on a good use for a vacant building.

Attorney J. Paulson said a condition might be placed making the variances exclusive to this petitioner only.

Member K. Goldak said she sees this operation being successful but the hardship of the location will always be the hardship of the location.

Member F. Owens said he does realize the difficulty of this building's location. There is a unique property and situation that exists with this location and that's why each petition is weighed for its own merit.

**BOARD OF ZONING APPEALS  
SEPTEMBER 27, 2018  
PAGE 4**

President R. Riley commented that he had not problem with the signage. Furthermore, he agrees that the hardship of location would always be a factor and no additional condition other than temporary signage need be addressed.

Attorney M. Anderson commented that the petitioner would be interested in having a presence on the South Calumet town monument sign.

Attorney J. Paulson suggested that based on the boards comment a condition be added that; The temporary sign shall be removed upon the installation of permanent signage on east side of the building.

Member J. Kowalski moved to close the public hearing, accept the Findings of Fact, including the above-mentioned condition and grant the variances requested seconded by member K. Goldak and passed by unanimous voice vote.

**OLD BUSINESS- None**

**NEW BUSINESS- None**

**MISCELLANEOUS BUSINESS**

President R. Riley suggested looking at revising the Sign Ordinance. He said there is a lot of interest from the branding committee to take a look at some updating.

Town Manager B. Doyle offered that the Plan Commission is gathering input from various boards and business entities. They would be discussing updates to the Ordinance as well as the Comprehensive Plan.

**ADJOURNMENT**

There being no further business before the board member F. Owens moved adjournment seconded by member K. Goldak and passed by unanimous voice vote. The meeting adjourned at 7:35 P.M.

Respectfully submitted,

Gail A. Murawski

Approved:

R. Riley, President