

**CHESTERTON BOARD OF ZONING APPEALS**  
**FEBRUARY 28, 2019**  
**6:30 P.M.**

The meeting was called to order at 6:30 P.M. Present were members F. Owens, J. Ackerman, J. Kowalski, R. Corder and President R. Riley. Town Engineer M. O'Dell was in attendance. Attorney C. Nolan was present as legal advisor. The pledge of allegiance was recited.

**APPROVAL OF MINUTES**

Member J. Ackerman moved approval of the minutes from January 24, 2019 seconded by member F. Owens and passed by unanimous voice vote.

**PRELIMINARY HEARINGS**

**Enterprises, LLC.** Requesting a Use Variance to allow residential use in B-2 Zoning for third floor only. **Petition 18-12** (continued from January 24, 2019) Mr. Brian Lewandowski and Mr. Brandon Bennett of BenLew Enterprises, LLC. were present. He told the board they would like to move forward with their request to utilize the third floor of 442 North Calumet Road for residential use. He respectfully requested the board to consider setting this item for public hearing.

Town Engineer M. O'Dell said he wanted a maximum of two apartments. For the public hearing the petitioner would be required have a site plan meeting all fire safety egress codes.

Attorney C. Nolan commented that the petition was in order.

Member J. Kowalski moved to set this item for public hearing at the March 28, 2019 seconded by member J. Ackerman and passed by unanimous voice vote.

**JTR Construction LLC** requesting a reduction of 5 feet from a 25-foot front yard setback. A Second variance requesting a reduction of 7.8 feet from a 25-foot rear yard setback. **Petition 19-03** Mr. Jason Robinson was present. He told the board he is interested in constructing a duplex on the corner of Locust Street and Wabash Ave. The best and safest location for the driveway and doorways would be located on the Locust St. side of the lot necessitating the need for the variances requested.

Member J. Kowalski asked the petitioner to clarify the variance requests.

Attorney C. Nolan clarified that the petitioner would be asking for a reduction in the front yard setback from 25 feet to 20 feet, therefore a variance of 5 feet. The second variance requested would reduce the rear yard setback from 25 feet to 17 feet, therefore a variance of 8 feet.

Member R. Corder cautioned the petitioner to make certain he measured property owners within 300 feet from the center of the property.

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Member J. Ackerman moved to set this item for public hearing at he March 28, 2019 meeting seconded by R. Corder and passed by unanimous voice vote.

**350 Realty Group LLC. Series 123 Brown Ave.** requesting a variance to use the property as a dwelling, two family (duplex). **Petition 19-04** Brothers Nick and Jake Cross were present as representation for the petition. They told the board they are interested in returning this property back to its original use as a duplex. Back in 2005 the previous owners had turned this into a single-family residence.

Member J. Ackerman moved to set this item for public hearing at the March 28, 2019 meeting seconded by member J. Kowalski and passed by unanimous vote.

**Steve and Ashley Tolton** requesting to increase the concrete coverage on property from 30 percent to 34.3 percent. **Petition 19-05** Mr. and Mrs. Tolten were present as representation for the petition. Mr. Tolten told the board they would be installing an inground pool and might also be constructing a shed. He requested to amend his petition to request an increase in lot coverage from 30 percent to 36 percent, therefore a variance of 6 percent.

Town Engineer M. O'Dell requested a drawing to scale for the public hearing.

Attorney C. Nolan requested the petitioner amend the petition to request an increase in lot coverage. He advised him to check Finding #3 "will result."

Member F. Owens asked about the petitioner's intention to construct a shed. He did not have that indicated on the current plans.

Attorney C. Nolan commented that the lot coverage increase could have taken that into consideration for potential future construction.

Member F. Owens moved to set this item for public hearing at the March 28, 2019 meeting seconded by member J. Ackerman and passed by unanimous voice vote.

**Richard Neal** requesting a variance to build 4 additional structures (storage units) on said lot where there already is a principal structure, therefore a variance for 4 additional principle structures is requested. A second variance is requested to construct 2 storage buildings each having a front yard setback of 19.6, where the Ordinance requires 30-foot front yard setback, therefore a variance of 10.6 feet. **Petition 19-06** Attorney G. Babcock was present as representation for the petitioner. Mr. Richard Neal accompanied him. Mr. Neal currently owns the storage business on Brown Street and is Zoned I-1. He is looking to add 94 new storage units to the property. The principal structure is already there with the main office being located on Wabash. There is currently no main storage office at this location. Additionally, they are looking to create symmetry

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with the buildings to the east which would require some relief therefore necessitating a reduction in the front yard setback. He respectfully requested the board to consider setting this item for public hearing at the March meeting.

Town Engineer M. O'Dell requested the petitioner to submit drainage plan for the public hearing.

Member J. Kowalski moved to set this item for public hearing at the March 28, 2019 meeting seconded by member J. Ackerman and passed by unanimous voice vote.

**Bradley and Christine Joyce** requesting a variance to reduce a side yard setback from 10 feet to 6 feet. **Petition 19-07** Mr. Joyce was present with the request to reduce the side yard setback for the purpose of constructing a third garage.

Attorney C. Nolan advised the petitioner to finish the variance request by indicating the 4 feet variance request.

Town Engineer M. O'Dell requested a site plan drawn to scale. He cautioned the petitioner to take into consideration overhangs on the structure.

Member F. Owens moved to set this item for public hearing at the March 28, 2019 meeting seconded by member R. Corder and passed by unanimous voice vote.

**PUBLIC HEARINGS**

**Estate of Keith D. Pomeroy** requesting a variance allow the construction of a residential duplex in a B-2 Zone, where the Ordinance does not allow for residential use in that zone. **Petition 19-01** Rules for conducting a public hearing were read aloud. The secretary verified proof of publication notification and payment. Attorney G. Babcock was present as legal representation for the petitioner. He was accompanied by Mr. Spencer Sutton and Mrs. Nancy Sutton. Attorney G. Babcock explained that the Suttons had entered into a contract to purchase this property from the Pomeroy Estate. The residential home was built in 1880 in what is currently a B-2 Zone. The Sutton's would propose a 1250 square foot living space for each unit. Each would have a two-car attached garage accessed from the alley. They would not be seeking any other relief since the lot would be ample size for this type of product.

Mr. Spencer Sutton of 175 West 1050 North, Chesterton was present. He told the board his mother and he were looking to close on this property if they obtain the variance to build a duplex on the lot. The current home is in poor condition. They plan to completely tear down the existing structure and rebuilding a duplex. The excavation and rebuilding process would be done by his place of business R.V. Sutton Excavating. This would be a \$300,000.00 investment in the project. He said he planned on residing in one of the units and renting the other. The garages would be accessed by the alley way and there would be a parking blister in the front of the property to help

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with flow of traffic on Porter Avenue.

Attorney G. Babcock distributed a neighboring residential layout of the surrounding properties. The depiction of the neighborhood would indicate homes that are currently being used as a residential rental property, business uses and single-family residents. He wanted the board to have a full flavor of the surrounding neighbors. His goal was to prove the construction of this duplex would fit the neighborhood in its use and value. He argued that this project was the best and highest use of the property based on the cost and value of surrounding properties. He respectfully requested the board to consider accepting the Finding of Fact and granting the variance requested.

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

Ms. Nicole Wood of 141 W. Porter Ave, Chesterton was present to speak in opposition to the petition. She commented that the duplex would not fit the flavor of the neighborhood. There is nowhere in the neighborhood that has 2 front doors located on Porter Avenue. She felt that the lot could support a high value home. She felt the construction of the duplex would lower the value of her home.

With no other persons wishing to speak, the public comment portion of the public hearing was declared closed.

Attorney G. Babcock commented that he did accurately portray the correct assessed values of the surrounding homes. They would be constructing a product of greater value than what currently exists in the neighborhood therefore it would be an improvement to the area. He requested the board to grant the variance request.

Member J. Kowalski commented that there are several homes in the neighborhood that show signs of neglect. He felt that this addition might spur additional improvements in that area. He felt that an owner-occupied duplex would produce an elevated product design. He urged the petitioner to maintain the character of the neighborhood.

Member F. Owens commented that the alley garage access would help keep the character of the homes in the neighborhood.

Attorney G. Babcock commented that a two-story front load duplex would change the character of the neighborhood.

Mr. Sutton said they have a few ideas about the construction of the duplex. He said it would be a two-bedroom single story unit. Garages would be accessed from the alley. He said they would like the fronts not to look like one building but give the feeling of two separate homes.

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President Riley commented that the commitment to make the product look like a single-family home would be helpful in keeping the character of the neighborhood.

Attorney G. Babcock said he and his clients have no objection to make a commitment in the finding that that particular lot would only have a single-story duplex.

Attorney C. Nolan noted that there is a commitment to relocate the sidewalk and have a parking blister. There was conversation to limit the construction of the duplex to a single story. The garages would be rear loaded only.

Attorney G. Babcock said he would get those commitments to the attorney's office for review.

Member J. Kowalski moved to close the public hearing accept the Findings of Fact and grant the variance request subject to receiving written commitments approved by the attorney seconded by member J. Ackerman and passed by a roll call vote of 4 to 1 with member F. Owens voting no.

**Daniel P. and Erin M. Woods** requesting a variance for a 5 percent increase in lot coverage for an accessory structure. A second variance is requested to reduce accessory structure proximity to house from 10 feet to 6 inches therefore a variance of by 9 feet 6 inches.

**Petition 19-02** The secretary verified proof of publication notification and payment. Mr. Woods was present. He was accompanied by Andrew Goodpastor of Crown Point the contracted builder for the project. Mr. Woods said they are looking to construct a pergola structure.

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.

It was the general consensus of the board that the paperwork was in order.

Member F. Owens moved to close the public hearing accept the Findings of Fact and grant the variances requested seconded by member J. Ackerman and passed by unanimous voice vote.

**OLD BUSINESS- None**

**NEW BUSINESS**

The Secretary G. Murawski commented that she would be on vacation for the March 28, 2019 meeting. She would be looking for support to cover the meeting in her absence.

Attorney C. Nolan suggested that the person who does the minutes for the town council and redevelopment committee assist the BZA for the meeting and do the minutes.

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President Riley commented that together we could figure out a system of support for the meeting. He advised her to have all paperwork in order prior to the March meeting.

**MISCELLANEOUS BUSINESS- None**

**ADJOURNMENT**

There being no further business before the board member F. Owens moved adjournment seconded by member J. Ackerman and passed by unanimous voice vote.  
The meeting adjourned at 8:00 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

R. Riley, President