

CHESTERTON BOARD OF ZONING APPEALS
NOVEMBER 26, 2019
6:30 P.M.

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

APPROVAL OF MINUTES

Member K. Goldak moved approval of the minutes from October 24, 2019 seconded by member J. Ackerman and passed by unanimous voice vote.

PRELIMINARY HEARINGS

Edward J. Spanopoulos and Amy C. Spanopoulos, husband and wife requesting a variance to construct an additional principal structure on a site where one principal structure already exists, therefore, a variance of one additional principal structure on the site. **Petition 19-17** Attorney G. Babcock was present as representation for the petitioners. The petitioners accompanied him. Attorney Babcock said the building the petitioners purchased is located on 15th Street in a B-3 Zone. The owners and operators of Lake and Pond Biologists are interested in relocating their business to the vacant brick block building. Additionally, they would be looking to build a new building while keeping brick block building. The attachment from the old brick building to the new building would not be substantial. There would be an exit entry door between the two buildings without going in the weather. The structure would comprise about 2,900 square feet on the site. He respectfully requested the board to consider setting this item for public hearing at the rescheduled meeting being held on Monday December 30, 2019.

It was the general consensus of the board that relocating the established business in our community to this new location would be a good thing.

Member K. Goldak moved to set Petition 19-17 for public hearing at the December 30, 2019 meeting seconded by member J. Ackerman and passed by unanimous voice vote.

Legacy Sign Group requesting a variance to install a sign proposed is 20 feet 6 inches tall, the code for a freestanding sign allows 18 feet. A second variance is requested to increase total square footage exceeds 60 gross square feet to 89.69 gross square footage with a dynamic unit. **Petition 19-18** The secretary told members of the board that the representative for this petition had reached out to the building department earlier today and requested this item be continued.

Member J. Ackerman moved to continue Petition 19-18 until the December 30, 2019 meeting seconded by J. Kowalski and passed by unanimous voice vote.

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The secretary would inform the representative of the boards action and the Monday, December 30, 2019 meeting date.

Brian Bartoszek requesting a variance to increase lot coverage to 65%. A second variance is requested to reduce a side yard setback to 3 feet a variance of 5 feet. A third variance is requested to reduce a rear yard setback to zero a variance of 10 feet. **Petition 19-19** Mr. Bartoszek owner of Trapmasters Plumbing, LLC was present. He told the board they are interested in expanding the footprint of their site to accommodate their growing business. The number of employees they have on staff has increased since first moving to that location 5 years ago. Furthermore, he is in the process of having the alley vacated next to the property for this expansion.

Town Engineer M. O'Dell reminded the board that the property is Zoned R-3 and a variance was granted when the business initially was seeking to locate there. He requested a plat of survey for the public hearing.

Attorney J. Paulson encouraged the petitioner to submit formal Findings of Fact for each variance request. She suggested the petitioner take another look at strengthening the Findings of Fact as well. She requested a copy of property owners within 300 feet. She clarified that the railroad would need to be notified if they are a taxable parcel.

Member J. Ackerman moved to set Petition 19-19 for public hearing at the December 30, 2019 meeting seconded by member K. Goldak and passed by unanimous voice vote.

PUBLIC HEARINGS

Bennett's Rentals LLC requesting a variance to increase lot coverage from 30 percent to 50 percent. A second variance is requested to waive the sidewalk requirement. **Petition 19-15** Rules for conducting a public hearing were read aloud. The secretary verified proof of notification, publication and payment. Attorney T. Hiestand was present as representation for the petitioner. He was accompanied Mr. Bennett.

Attorney J. Paulson commented that at last months meeting there was question of the variances required in a B-3 Zone. It was determined by M. O'Dell that the property is located in an R-3 Zone and the original variance request is correct.

Attorney T. Hiestand distributed a rendering of what the buildout would look like. He told the board this particular project is proposed to be a duplex. It could be built as a two-story duplex and not violate the lot coverage requirements. The Bennett's wanted this duplex to be single story construction to keep in character with the surrounding neighborhood and also to appeal to a senior end user. Other than lot coverage there were no other issues with setbacks in an R-3 Zone. He noted that there are currently no sidewalks in the neighborhood and requested to waive the

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requirement to install a sidewalk. He respectfully requested the board to consider granting the variances requested.

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 F. Owens commented that there is a lot of house out there. He was wondering what the plan for drainage might look like.

Town Engineer M. O'Dell commented that he would like to see the backyard kept grass. The location of the project did meet all the setback requirements.

Mr. Bennett said he would include swales on the property lines. He would work with the town to direct downspouts.

It was the general consensus of the board that this was a good infill project.

Member J. Kowalski moved to close the public hearing accept the Findings of Fact and grant the variance requests seconded by member J. Ackerman and passed by unanimous voice vote.

Jeffrey and Wendy Knarian requesting a variance to increase lot coverage equal to 44-percent while the town code only allows 30 percent, therefore a variance of 14 percent.

Petition 19-16 The secretary verified proof of publication, notification and payment. Mr. and Mrs. Knarian were present. They told the board their home is situated in the "knuckle" of Union Court. They are interested in installing a concrete pad next to their home to provide additional parking. They are currently unable to park vehicles in the road because the mail cannot be delivered. They are also looking to be good neighbors and not obstruct the tight area with cars. They respectfully requested the board to consider granting the variance request.

Attorney J. Paulson informed the board that the Knarian's were granted a waiver of town standards for their driveway. A condition of the waiver from town standards requires the petitioners to install a French drain.

Member J. Kowalski moved to close the public hearing accept the Findings of Fact and grant the variance request seconded by member J. Ackerman and passed by unanimous voice vote.

OLD BUSINESS- None

NEW BUSINESS- None

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MISCELLANEOUS BUSINESS

Happy Thanksgiving

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 7:04 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved;

R. Riley, President