

CHESTERTON BOARD OF ZONING APPEALS
DECEMBER 30, 2019
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 was 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 November 26, 2019 seconded by member F. Owens and passed by unanimous voice vote.

PRELIMINARY HEARINGS

Horizon Bank, N.A. requesting a variance to construct a free-standing sign at a height of 20 feet 6 inches where the Ordinance allows a height of 18 feet, therefore a variance of 2 feet 6 inches. A second variance is requested to construct a free-standing sign within 4 feet of the East lot line, where the Ordinance requires placement at no closer than 10 feet from the lot line, therefore a variance of 6 feet. A third variance is requested to construct a two-sided free-standing sign having a gross surface area of 180 square feet, where the Ordinance allows a gross surface area of 80 square feet, therefore a variance of 100 square feet. **Petition 19-18** Attorney G. Babcock was present as legal representation for the petitioner. He was accompanied by Shaun O'Brien of Legacy Sign Group. He gestured to a site plan which indicates where the existing monument sign is located. The proposed sign would be located a little west of the existing sign. Its placement would necessitate the variance from the East lot line. The sign would be changed from a static sign to a static and dynamic sign. The dynamic sign is limited to the advertising for Horizon Bank and its affiliates as well as community activities. The placement of the existing phragmites and trees which are owned by INDOT necessitate the variance to allow the 20 feet 6-inch sign. He respectfully requested the board to consider suspending the rules of submittal as the petition was filed late.

Attorney Paulson advised the board that a motion would be necessary which would find that an emergency exists justifying the late submittal.

Attorney G. Babcock told the board he was not contacted by the petitioner until late to request him to represent and present the petition. The delay of the December meeting did allow him time but the rules of submittal are still a factor.

Member K. Goldak moved to suspend the rules of submittal seconded by member J. Kowalski and passed by unanimous voice vote.

Town Engineer M. O'Dell clarified for Attorney Babcock that they would also need to request a variance to ask for a freestanding sign since they are located less than 30 feet from the right-of-

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way line, they are not entitled to a freestanding sign. The Ordinance allows for wall mounted signage only. The existing freestanding sign was grandfathered in. Additionally, there is existing signage on the building and an unpermitted ATM sign that needed to be calculated into the square footage. The gold trim/backdrop depicted in the rendering of the sign should also be considered and calculated in the square footage of the sign. Some additional conversation and clarification regarding the total square footage of the freestanding sign took place.

Member F. Owens requested a commitment be added to the revised petition that the existing monument sign would be removed.

M. O'Dell commented that INDOT would have no problem with the phragmites being removed. He requested a site plan indicating where the new sign would be located. The deadline for submittal would be January 6, 2020.

Attorney G. Babcock requested the board to consider allowing him to amend the petition, include the additional variance and submit additional documentation for a public hearing to be held on January 23, 2020.

Member J. Kowalski moved to set this item for public hearing at the January 23, 2020 meeting seconded by member K. Goldak and passed by unanimous voice vote.

Eric Robinson W/ Robinson Rentals, LLC. requesting a variance to increase lot coverage for a corner lot from the town code of 40 percent to a proposed 58 percent coverage therefore an increase of 18 percent. A second variance is requested to reduce a side yard setback from 7 feet 10 inches from town code of 8 feet therefore a reduction of 4 inches. A third variance is requested to reduce the front yard setback from 25 feet to 14 feet 4 inches therefore a reduction of 10 feet 8 inches. **Petition 19-20** Eric Robinson was present. He told the board he would like to include an attached garage off the back alley which necessitates the lot coverage request. The side yard reduction is necessitated by the product design. The home would be aligned with the neighboring homes along Morgan Avenue therefore requiring a reduction in the front yard setback.

Town Engineer M. O'Dell cautioned that the petitioner that no other structures could be added to that lot. He suggested amending the side yard variance to request a 1-foot variance making the setback 7 feet.

Attorney J. Paulson said for administrative sake he should submit a revised petition including Chuck Bagilla. The deed would support this request.

The petitioner agreed that he would revise the side yard setback and include the additional petitioner in his resubmittal.

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Member J. Kowalski moved to set this item for public hearing at the January 23, 2020 meeting seconded by K. Goldak and passed by unanimous voice vote.

PUBLIC 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** The secretary verified proof of publication, notification and payment. Attorney G. Babcock was present as representation for the petitioner. He was accompanied by Mr. Spanopoulos. Attorney Babcock told the board the property is comprised of 3 lots Zoned B-3. 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 2,995 square feet on the site.

Mr. Spanopoulos of 370 E. 1300 North, Chesterton was present. He told the board their current location has become to small for their business. The nature of his business is a niche profession. There business is the only location here in North West Indiana. He started his career as a pond applicator for weeds and algae back in 1998. He has since moved up the ranks and was also MS-4 coordinator. Their business is approached from an ecological standpoint. They currently employ 4 people. The existing building would be used as office space. The addition would house boats and tanks. They would store algicides and herbicides according to the recommendations of the chemists he works with. There would be no flammable materials stored. They would invest about \$100,000.00 to update the existing building and construct the addition.

Attorney Babcock walked members of the board through the site plan highlighting the structure of the building along with the plan for drainage. He respectfully requested the board to consider granting the variance request.

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 wondered if they would store the fish for ponds.

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Mr. Spanopoulos said they lease from hatcheries in the area. They would not store fish on site.

Member Goldak told the board they had stocked her pond with tilapia and now they have osprey.

Member K. Goldak moved to close the public hearing accept the Findings of Fact and grant the variance request for Petition 19-17 seconded by member J. Kowalski and passed by unanimous voice vote.

Brian Bartoszek requesting a variance to increase lot coverage to 65 percent. A second variance is requested to reduce a side yard setback from 8 feet to 3 feet therefore a variance of 5 feet. A third variance is requested to reduce a rear yard setback from 10 feet to zero, therefore, a variance of 10 feet. **Petition 19-19** The secretary verified proof of publication, notification and payment. Mr. Bartoszek 1720 Wood St., Chesterton is the owner of Trapmasters Plumbing LLC. he was present at tonight's meeting. He told the board that they have outgrown the space and are interested in expanding the footprint of the building. They have run out of space to store equipment that can't sit out in the weather. The larger structure would allow the business to expand. The structure would also accommodate the larger work vans that are needed. The extra space would allow for easier loading and unloading. 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.

Attorney J. Paulson told the board the Findings of Fact that had been presented were not legally sufficient to adopt. The board could either adopt their own Findings of Fact or continue the public hearing until the next meeting.

It was the general consensus of the board that a good portion of what Mr. Bartoszek had indicated to the board would provide sufficient facts to support the variance request. They just needed to apply those statements to the petition. The Findings of Fact were amended to include the reasons indicated by the petitioner.

Member J. Kowalski moved to close the public hearing accept the revised Findings of Fact and grant the variances requested seconded by member K. Goldak and passed by unanimous voice vote.

OLD BUSINESS- None

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NEW BUSINESS

Member K. Goldak said she had received a letter that she would not be reinstated as a board member of the BZA. She expressed her thanks for allowing her to give back to the town of Chesterton. She hoped the incoming member would love this job as much as she did.

Members of the board thanked K. Goldak for her time and insight. She would be missed.

MISCELLANEOUS BUSINESS- None

AJOURNMENT

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

Respectfully submitted,

G. Murawski, Secretary

Approved;

BZA President