

CHESTERTON BOARD OF ZONING APPEALS
SEPTEMBER 24, 2020
6:30 P.M.

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

APPROVAL OF MINUTES

Member R. Riley moved approval of the minutes from August 27, 2020 seconded by member J. Carney and passed by unanimous voice vote.

PRELIMINARY HEARINGS

BMO Harris Bank N.A. and Jennifer McLain Co-Guardians of the Estate of William Hope III requesting a variance to construct a six-foot privacy fence for the petitioners backyard which fronts on a thoroughfare. **Petition 20-17** Attorney T. Hiestand was present as legal representation. Ms. Jennifer McLain accompanied him. Attorney T. Hiestand said his client is interested in increasing the height of a four-foot fence along the back side of the yard to match the six-foot fence height on each side of the yard. The Ordinance only allows a four-foot fence along a thoroughfare. The yard abuts 1050 N., Chesterton and the petitioner would like more privacy for hosting family gatherings.

Attorney J. Paulson found the petition to be in order.

Town Engineer M. O'Dell requested the petitioner install a gate along the backside for maintenance/mowing purposes along 1050 N.

Member R. Riley moved to set this item for public hearing at the October 22, 2020 meeting which would convene at the Chesterton Fire Station due to early voting occupying the town hall location. The motion was seconded by member J. Ackerman and passed by unanimous voice vote.

Shaun Connelly and Kimberly Connelly requesting a variance to exceed the 30 percent lot coverage by 9 percent for a total of 39 percent. **Petition 20-18** Mr. and Mrs. Connelly were present. Mr. S. Connelly told the board he is interested in installing an inground swimming pool and would like to install a concrete patio around it. He respectfully requested the board consider granting the variance request.

Attorney J. Paulson noted that the list of property owners was missing one address. She directed him to the Porter County GIS website where the tax bill address could be found. Otherwise the petition appeared to be in order.

Town Engineer M. O'Dell verified that there would be a fence installed surrounding the pool.

**CHESTERTON BOARD OF ZONING APPEALS
SEPTEMBER 24, 2020
PAGE 2**

The petitioner said there would be a fence.

Member J. Ackerman moved to set this item for public hearing at the October 22, 2020 meeting at the fire station. The motion was seconded by member F. Owens and passed by unanimous voice vote.

PUBLIC HEARINGS

Ryan Spain and Scarlet Spain, husband and wife requesting a variance to allow the construction of an additional attached 2 car garage which will be 18 feet from a side street, where the Ordinance requires a 25- foot side street setback, therefore a variance of 7 feet. A second variance is requested to allow a proposed breezeway, an additional structure attached to a principal structure, having an attachment of 35% to the common wall of the home, where the Ordinance requires 50% attachment, therefore a variance of 15%. **Petition 20-15** Rules for conducting a public hearing were read aloud. The secretary verified proof of publication, notification and payment. Attorney G. Babcock was present as representation for the petitioner. Mr. and Mrs. Spain accompanied him. Attorney Babcock told the board the petitioners are interested in constructing a 2-car garage attached to a breezeway attached to the existing home. The home is located in the Tamarack subdivision which has its own covenants that does not allow outside storage. There is a platted unimproved dedicated road on the west side of their property which would be considered a side street. The petitioners existing garage is side loaded it faces this unimproved road. The proposed garage will face north with the attached breezeway to get to the garage. The Ordinance requires a 25-foot setback in an R-1 Zone. The proposed structure would be attached to the home covering 35 percent of the common wall.

Mr. Ryan Spain of 109 Laurel Creek Drive, Chesterton told the board the proposed garage would be 24 feet by 28 feet with the attached breezeway being 8 feet by 14 feet. The garage would be all brick the breezeway would be concrete board. He estimated spending \$50, 000.00 to \$60,000.00 on the improvements. He owns two vintage cars which would be stored in the garage along with various yard equipment and kid's toys. They would probably begin construction in the spring.

Attorney G. Babcock said the petitioner had submitted their plans to the HOA and they were approved. A letter from First American Management indicated the plan approval. His neighbor Tim Buehler had no issue with the development. 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.

CHESTERTON BOARD OF ZONING APPEALS
SEPTEMBER 24, 2020
PAGE 3

Attorney J. Paulson found the petition to be in order.

Town Engineer M. O'Dell said he did not receive an updated survey. In order to issue a building permit the petitioner would be required to present a new survey with the correct dimensions and setback. He cautioned the petitioner to be very careful with the overhang. The quick math indicates that the 18-foot variance request would be sufficient. It was agreed that the plan for the 8-foot-wide breezeway and the 24-foot-wide garage would remain the same on the survey/site plan that would be submitted prior to receiving a building permit.

Member J. Ackerman thought it looked like a nice project. He was pleased to have the approval from the HOA and the neighbor. Mr. Riley was in agreement.

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

Neal Storage II, LLC requesting a use variance to allow the establishment of a dog daycare dog grooming services and dog boutique, where the Table of Uses does not show said uses available in the Town of Chesterton. **Petition 20-16** The secretary verified proof of publication, notification and payment. Attorney G. Babcock was present as legal representation for the end user of the property Tonya Fugate who accompanied him. Attorney G. Babcock told the board Ms. Tonya Fugate is interested in leasing 2,000 square foot space and establishing a dog daycare, grooming and boutique facility. Hours of operation being 6:00 A.M. until 6:00 P.M. There would be a special turf installed indoors in a fenced area where the dogs could run and play. He mentioned Bark of The Town an existing dog grooming location which has been an asset to the community. There is currently no other dog daycare in town. All the dogs serviced at the location would need to be current with their shots. Appointments would be required. He respectfully requested this item to be set for public hearing at the September 24, 2020 meeting.

Ms. Tonya Fugate of 124 S. 18th Street, Chesterton was present. She told the board she is interested in establishing a dog daycare, grooming and boutique facility. Her business partner is a renowned groomer in the industry. She would be looking to incorporate items produced and available for sale from local dog treat bakers and pet accessory makers. Before a dog can be serviced by the facility the pet owner would be required to produce proof of current vaccines and be free from communicable canine diseases. All those employed will have taken dog behavioral classes. Her investment in the facility would be about \$15,000.00.

Attorney Babcock noted that in 2019 the American Pet Product Association estimated that there are ninety million dogs in the united states. East of the building there would be a small fenced area for dog walking. Disposal of all dog waste is done by a commercial disposal service. The site provides ample parking within the business zone. There would be a maximum of seven dogs at the daycare side of the operation and the ability to have two dogs in for grooming. The hours

CHESTERTON BOARD OF ZONING APPEALS
SEPTEMBER 24, 2020
PAGE 4

of operation would be from 6:00 A.M. until 6:00 P.M. These hours would allow working pet owners before and after work accessibility. He respectfully requested the board consider accepting the Findings of Fact and granting the Use Variance request.

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

There was a letter read into the record from Mr. Guy Vanes of 316 N. Calumet Road, Chesterton expressing concern about the dog daycare portion of the proposed service. He felt that the daycare would result in day long dog barking. He opposed the dog daycare portion of the operation.

Attorney Babcock noted although that area is zoned commercial there is housing located nearby. There is noise in the general area. A majority of the business activity proposed is being conducted inside.

The public comment portion of the public hearing was declared closed.

Attorney J. Paulson had no comment.

Town Engineer M. O'Dell observed that the proposed fenced area is located near a detention area. There could be water near the area.

President J. Kowalski wondered what sort of background Ms. Fugate had in establishing this type of business.

Ms. Fugate said she has been a Vet-Tech and self employed for many years. She has certification in dog dietary needs and grooming. Her partner is certified in dog obedience and grooming.

Member J. Carney thought it was a perfect location. Other members of the board were in agreement.

Member J. Ackerman moved to close the public hearing, accept the Findings of Fact and grant the Use Variance. The motion was seconded by member J. Carney and passed by unanimous voice vote.

OLD BUSINESS- None

NEW BUSINESS

President J. Kowalski mentioned that when the council and town look at the budget for next year, they might consider an increase to the pay rate for the boards secretary. The position has been filled by the current secretary for twenty years without any increase in compensation.

CHESTERTON BOARD OF ZONING APPEALS
SEPTEMBER 24, 2020
PAGE 5

Member R. Riley moved to recommend that the town council look at increasing the salary for the board secretary seconded by member J. Carney and passed by unanimous voice vote.

MISCELLANEOUS BUSINESS- October Meeting Location Change Due to Early Voting.
The Chesterton Board of Zoning Appeals would convene the regularly scheduled meeting October 22, 2020, at the Chesterton Fire Station due to early voting occupying the town hall location.

ADJOURNMENT

There being no further business before the board member R. Riley moved adjournment seconded by member J. Ackerman and passed by unanimous voice vote.
The meeting adjourned at 7:15 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

J. Kowalski, President