

**CHESTERTON BOARD OF ZONING APPEALS**  
**MAY 27, 2021**  
**6:30 P.M.**

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

**APPROVAL OF MINUTES**

Member R. Riley moved to approve the minutes of April 22, 2021 at the June meeting as they were distributed to members of the board this evening. The motion was seconded by member J. Ackerman and passed by unanimous voice vote.

**PRELIMINARY HEARINGS**

**Benlew Enterprises, Brian Lewandowski** requesting a use variance to allow for an R-1 Use in a B-2 Zone. A second variance is requested to allow for a second principal structure on a lot. **Petition 21-02** This item was first presented to the board at the March 25, 2021 meeting. At that time the petitioner was informed that the petition was incomplete. The petition was continued until April. The petitioner requested a continuance from the April meeting. The petitioner had submitted no additional information to complete the petition and was not present at tonight's May meeting.

Attorney J. Paulson advised the board they could dismiss the petition for want of prosecution.

Member R. Riley moved to dismiss the petition for want of prosecution. The petitioner was not present, there was no new information submitted and the petition as submitted in March was incomplete. The motion was seconded by member J. Ackerman and passed by unanimous voice vote.

**Robert J. and Alexandra Jeka** requesting a developmental standard variance to allow a 6-foot privacy fence adjacent to Burlwood Drive where the Ordinance only allows a 4.5-foot fence, therefore a variance of 1.5-feet. The fence will be located approximately 10 feet off the property line (adjacent to the existing sidewalk) **Petition 21-05** Mr. Jeka was present. He told the board he wanted to install the fence to contain his dog. He respectfully requested to have this item set for public hearing.

Town Engineer M. O'Dell commented that this location is across the street from and would be the same variance that Mr. and Mrs. Marmolejo was granted at the April meeting.

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

President J. Kowalski commented "the petition was well put together."

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Member J. Carney requested a corrected Page 25.

Member J. Carney moved to set this item for public hearing at the June 24, 2021 meeting seconded by member R. Riley and passed by unanimous voice vote.

**William C. Bennett and Rita F. Bennett** requesting a variance to increase lot coverage from 30 percent to 40 percent therefore a variance of 15 percent. **Petition 21-06** Attorney T. Hiestand was present as representation for the petitioner. He told the board his clients are interested in removing the home that sits on the property and constructing three single story duplexes. Attorney Paulson and Attorney Hiestand had discussed the fact that the petitioner is wanting three structures. He thought he might submit three petitions one for each structure with the same set of Findings of Fact and the same property owners within 300 feet being notified. The request for the increased lot coverage stems from the fact that his clients feel that a single-story duplex is more desirable than a two-story duplex.

Town Engineer M. O'Dell told the board these are subdivided lots on record. He said he would like to see these three structures/lots get platted.

Member F. Owens commented that this request is being proposed on a property that is comprised of ten lots. As a member of the plat committee, he saw this to be the clearest and most efficient means to reconfigure and record this transaction.

Attorney J. Paulson agreed that this would make this request cleaner. Breaking up ten small lots to construct three structures would cause a problem. This is one of the reasons the plat committee exists. When this item is presented again to the board this should be three separate petitions, one for each lot containing a structure. She viewed the plat committee as a separate process from the BZA process. This board could potentially set this for public hearing, grant the variances if the Plat Committee doesn't approve the request, they actually couldn't build.

Member F. Owens suggested they could make their decision contingent upon the Plat Committee granting the request.

Town Engineer M. O'Dell said he would like to see the percentage of lot coverage on each individual lot. He cautioned Attorney Hiestand to not make the lot coverage to excessive. Neighbors are familiar with only having one structure and a substantial amount of grass on the proposed site. Additionally, he would work on the addressing for the lots.

Upon further discussion, it was the general consensus of the board, staff and attorney's that the best plan of action would be to continue the preliminary hearing. Attorney Hiestand agreed to take this up with the petitioners and advise them to seek approval from the Plat Committee.

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Member J. Ackerman moved to continue the preliminary hearing for this item until the June 24, 2021 meeting seconded by member R. Riley and passed by unanimous voice vote.

**Fox Chase Development, LLC** requesting a developmental standard variance to increase lot coverage from 30 percent to 45 percent therefore, an increase of 15 percent. **Petition 21-07** Attorney Hiestand was present as representation for the petitioner. He told the board his clients are interested in constructing a one-story duplex on the property.

Town Engineer M. O'Dell raised some questions regarding the side yard setbacks. He noted that the builder only had a six-inch overhang rather than a 12-inch overhang.

Attorney J. Paulson suggested that the Findings of Fact be enhanced for this petition.

Member R. Riley moved to set this item for public hearing at the June 24, 2021 meeting seconded by member J. Carney and passed by a unanimous roll call vote of 5 to 0.

The secretary verified that the variance request was to increase lot coverage by 15 percent. Any additional variance requests would need to be submitted by June 7, 2021.

**PUBLIC HEARINGS**

Rules for conducting a public hearing were read aloud.

**Kurt Schmiegel and Diane Schmiegel** requesting a developmental standard variance to increase lot coverage from 30 percent, which is allowed by the Ordinance to 40 percent, therefore an increase of 10 percent. **Petition 21-03** The secretary verified proof of publication, payment and notification. Attorney K. Kopf, of Hoepfner, Wagner and Evans was present as legal representation for the petitioners. Mr. and Mrs. Schmiegel accompanied her. Attorney Kopf clarified that tonight she would present two separate petitions for two separate petitioners on two separate lots. The request for an increase in lot coverage on Lot 67 would allow the Schmiegel Family to build their home on this lot.

There was no one present to speak in support of the petition. A letter of support was received from James Capadona of 1070 Ryder Rd., Chesterton IN. There was no one present to speak in opposition to the petition. The public comment portion of the public hearing was declared closed.

Member R. Riley moved to close the public hearing accept the Findings of Fact and grant the variance request seconded by member F. Owens and passed by a unanimous roll call vote of 5 to 0.

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**Todd Elliott and Laura Elliott** requesting a developmental standard variance to increase lot coverage from 30 percent, which is allowed by the Ordinance to 40 percent, therefore an increase of 10 percent. **Petition 21-04** The secretary verified proof of publication, payment and notification. Attorney K. Kopf, of Hoepfner, Wagner and Evans was present as legal representation for the petitioners. Mr. Elliott accompanied her. Attorney Kopf told the board the request for an increase in lot coverage on Lot 66 would allow the Elliott Family to build their home on this lot.

There was no one present to speak in support of the petition. A letter of support was received from James Capadona of 1070 Ryder Rd., Chesterton IN. There was no one present to speak in opposition to the petition. The public comment portion of the public hearing was declared closed.

Member R. Riley moved to close the public hearing accept the Findings of Fact and grant the variance request seconded by member F. Owens and passed by a unanimous roll call vote of 5 to 0.

**OLD BUSINESS- None**

**NEW BUSINESS-** Review suggested changes to clarify language contained in the Chesterton Board of Zoning Appeals petition process.

Member R. Riley moved to hold all discussion until the June meeting seconded by member J. Ackerman and passed by unanimous voice vote.

**MISCELLANEOUS BUSINESS- None**

**ADJOURNMENT**

There being no further business before the board member R. Riley moved adjournment. The meeting adjourned at 7:15 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved: