

CHESTERTON BOARD OF ZONING APPEALS
JANUARY 27, 2022
6:30 P.M.

The meeting was called to order at 6:30 P.M. Present were members F. Owens, J. Carney and R. Riley. Member J. Ackerman and president J. Kowalski were absent. Vice President R. Riley chaired the meeting. Town Engineer M. O'Dell, Building Department D. Lohse and Town Liaison K. Nevers were in attendance. Attorney J. Paulson was present as legal advisor. The pledge of allegiance was recited.

ELECTION OF OFFICERS

Member J. Carney made a motion to retain president J. Kowalski and vice president R. Riley for the 2022 year. The motion was seconded by member F. Owens and passed by a unanimous roll call vote of 3 to 0.

Member J. Carney made a motion to retain G. Murawski as secretary for the 2022 year. The motion was seconded by member F. Owens and passed by a unanimous roll call vote of 3 to 0.

APPROVAL OF MINUTES

Member F. Owens moved to approve the minutes from December 21, 2021 seconded by member J. Carney and passed by unanimous voice vote.

PRELIMINARY HEARINGS

First Baptist Church of Chesterton a/k/a Open Bible requesting a variance to construct a dynamic two-sided sign (6 feet by 4 feet) having a gross surface area of 48 square feet, where the Ordinance allows 45 square feet, therefore a variance of 3 feet. **Petition 22-01** Attorney G. Babcock was present as legal representation for the petitioner. He was accompanied by Pastor Starett of Open Bible Church. The church is located at the corner of 14th Street and Porter Avenue since 1954. The church is looking to take down the current manual sign and install a dynamic sign. The following conditions would be imposed: 1. That the wall mounted sign on the North side of the Church building would be removed. 2. That the sign will only advertise Church activities as well as general community events. The church will have the ability to control the sign. He told the board he had inadvertently neglected to include a blue faced sign "Open Bible Church" in the calculation of existing square footage. He would amend the petition to include that square footage. He respectfully requested the board to consider setting this item for public hearing at the February 24, 2022 meeting.

Town Engineer M. O'Dell said he did not find anything in the Ordinance that prevented the church from having the dynamic sign in a residential area. The total square footage is the issue. He requested a sight survey depicting the signs placement. Sight distance and side angles would be a consideration in the sign's placement. The amended documents would be submitted by February 7, 2022.

CHESTERTON BOARD OF ZONING APPEALS

JANUARY 27, 2022

PAGE 2

Attorney J. Paulson had no issue with the petition.

Member J. Carney moved to set Petition 22-01 for public hearing at the February 24, 2022 meeting, seconded by member F. Owens and passed by a unanimous roll call vote of 3 to 0.

JTR Construction, LLC requesting a variance to amend a prior BZA variance 19-03 and allow an additional 18-inch front yard setback variance. A second variance is requested to amend a prior BZA variance (19-03) and allow an additional 18-inch rear yard setback variance.

Petition 22-02 Attorney G. Babcock was present as legal representation. He was accompanied by the petitioner Jason Robinson. The property is located on the corner of Locust Street and Wabash Avenue. In 2019 the board granted relief for the front and rear yard setback. After the duplex was constructed, it was determined by the town that the overhang encroaches into the previously granted setback. Attorney G. Babcock respectfully requested the board to consider setting this item for public hearing at the February 24, 2022 meeting.

Town Engineer M. O'Dell said he has been working with Mr. Robinson in correcting this issue. He commented that the petition would provide a paper trail.

Member F. Owens said he would like to see clearer language since this variance request amends a previously granted variance.

Attorney J. Paulson said she would like to see the petition amended for clarity-sake. She had no issue with the 18- inch front and rear yard request but wanted it understood that this is not the total setback variance granted since construction. In the years to come two Petitions (19-03 and 22-02) would not need to be referenced.

Member J. Carney said although he appreciates the Findings of Fact submitted the Ordinance has remained consistent over the years.

Attorney G. Babcock said he would address and present argument at the public hearing.

Member F. Owens moved to set Petition 22-02 for public hearing at the February 24, 2022 meeting seconded by member J. Carney and passed by a unanimous roll call vote of 3 to 0.

Northshore Health Centers, Inc. requesting a variance to reduce a side yard setback from 20 feet to zero feet therefore a variance of 20 feet. A second variance is requested to reduce a rear yard setback from 10 feet to zero feet, therefore a variance of 10 feet. **Petition 22-03** Attorney Katie Kopf of Hoepfner Wagner and Evans was present as legal representation for the petitioner. Attorney Kopf told the board the property is located at 801 Broadway, Chesterton. The petitioner is interested in constructing an addition to the existing south east corner of the property. The addition would be approximately 5060 square feet. It is hoped that this location would continue

CHESTERTON BOARD OF ZONING APPEALS
JANUARY 27, 2022
PAGE 3

to be the home of the Westchester Neighbors Food Pantry. She respectfully requested the board to consider Petition 22-03 for public hearing at the February 24, 2022 meeting.

Town Engineer M. O'Dell requested Attorney Kopf to amend the Findings of Fact to include the findings that the sight distance would normally be an issue but since Indiana Avenue is a one-way street it should not present that issue. He asked for some additional language which would indicate that if the petition is granted, the entire structure would become a legal non-conforming structure.

Member F. Owens requested a better site plan.

Member J. Carney requested some clarification on what is depicted as a "flex room."

Member J. Carney moved to set Petition 22-03 for public hearing at the February 24, 2022 meeting seconded by member F. Owens and passed by a unanimous roll call vote of 3 to 0.

PUBLIC HEARINGS

AKB Rental Properties requesting a variance to reduce lot width from 75 feet to 50 feet, a variance of 25 feet. A second variance is requested to reduce the minimum lot area from 9500 square feet to 6100 square feet, a reduction of 3400 square feet. A third variance is requested to increase lot coverage from 30 percent to 39 percent a variance of 9 percent lot coverage on Lot 3. **Petition 21-13 (Requested to continue until February)**

AKB Rental Properties requesting a variance to reduce lot width from 75 feet to 50 feet, a variance of 25 feet. A second variance is requested to reduce the minimum lot area from 9500 square feet to 6100 square feet, a reduction of 3400 square feet. A third variance is requested to increase lot coverage from 30 percent to 39 percent a variance of 9 percent lot coverage on Lot 4. **Petition 21-14 (Requested to continue until February)**

Member J. Carney moved to continue Petition 21-13 and Petition 21-14 until the February 24, 2022 meeting. The motion was seconded by member F. Owens and passed by a unanimous roll call vote of 3 to 0.

Attorney J. Paulson clarified that the notice to property owners and news paper publication had already taken place. The board offered to hear any comment regarding the petitions at tonight's meeting.

OLD BUSINESS- None

CHESTERTON BOARD OF ZONING APPEALS
JANUARY 27, 2022
PAGE 4

NEW BUSINESS

Member R. Riley commented that he is interested in a discussion of the best practice for measuring setbacks. Some municipalities measure from the foundation while others, like Chesterton, measure from eaves and overhangs.

Town Engineer M. O'Dell said they measure to the foundation if they check anything and then when they receive drawings they inquire about the measurement of the overhang. He noted this past practice has usually been understood.

Member F. Owens commented that he understood why measurements from the eaves is considered the best practice. He noted that sometimes architectural symmetry dictates a larger overhang. He had seen cases in the city where buildings have huge overhangs.

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board member F. Owens moved adjournment seconded by member J. Carney and passed by unanimous voice vote. The meeting adjourned at 7:05 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

President J. Kowalski