

CHESTERTON BOARD OF ZONING APPEALS
MARCH 24, 2022
6:30 P.M.

The meeting was called to order at 6:30 P.M. Present were members F. Owens, R. Riley, J. Carney and president J. Kowalski. Member J. Ackerman was absent. Town Liaison K. Nevers 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 February 24, 2022 seconded by member F. Owens and passed by unanimous voice vote.

PRELIMINARY HEARINGS- None

PUBLIC HEARINGS

Rules for conducting a public hearing were read aloud.

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 (Petitioner has requested to withdraw the petition)**

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 on Lot 4. **Petition 21-14**
The secretary verified proof of publication, notification and payment.

Attorney J. Paulson advised the board they could reopen the public comment portion of the public hearing which had been closed at the February 24, 2022 meeting. This would be a board decision.

Member R. Riley made the motion to reopen the public comment portion of the public hearing seconded by member F. Owens and passed by unanimous voice vote.

Brian Lewandowski of 1531 South Calumet Rd., Chesterton was present. He is the appointed Power of Attorney for the petitioner. Brian told the board he is currently working in conjunction with the building trades program on the completion of a residential home located on Lot 5 Tower Street in Lahayn/Crocker. It is Mr. Lewandowski's intention to have the building trades program construct the same style home on Lot 4. He told the board that back when the residential construction started on Lot 5 it was a buildable lot. He noted that surrounding neighbors have the same size lots. He clarified that Petition 21-13 regarding Lot 3 had been withdrawn because the owner decided not to sell that lot. If the variances were granted, construction on the

BOARD OF ZONING APPEALS
MARCH 24, 2022
PAGE 2

lot would not happen until the next school year because he had already purchased a lot in Portage for the next trade project. He would continue his involvement with the program overseeing the construction of future homes regardless if the board grants or denies the petition. He noted that his previous request to increase lot coverage had been deleted. By not petitioning the board for lot increased lot coverage he felt he could contain his own stormwater. He had been in conversation with Town Engineer M. O'Dell and had no drawings to support the concept of a bioswale between the two houses. He respectfully requested the board to consider granting the variances.

President J. Kowalski asked if he had already purchased Lot 4.

Mr. Lewandowski said no. Additionally, he said he didn't want to push anything until next month. If this gets approved great, if it doesn't get approved then he would move on.

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

Robert Vah of 1711 Crocker St, Chesterton was present to speak in opposition to the petition. Mr. Vah expressed concerns regarding drainage issues. He told the board he lives directly behind the proposed property and those lots always retain standing water during heavy rains. He submitted pictures depicting the water concerns.

Zachary Higgins of 1707 Crocker St. Chesterton was present to speak in opposition to the petition. He told the board his home is located on the corner and just like other neighbors he gets a ton of standing water on the east side as a little bit on the south side. Even if they don't receive rain for day's they continue to have standing water. He said often times the lawn is so soggy it can't be cut to maintain a reasonable length. He commented that he had made costly improvement to his home and property to keep the water from the foundation. He told the board he is a big proponent of the trades and this program. After these students move on, the neighborhood will still be stuck with the stormwater problems.

There was additional conversation about the residential wells in that area. Most of the residents have shallow wells and drinking/cooking water is filtered.

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

Mr. Lewandowski commented that stormwater has always been an issue in that area.

Attorney J. Paulson had no additional comment. It was a board decision.

Member F. Owens commented that the small lot size will most likely contribute to drainage problems. The owl's nest was also a residential concern.

BOARD OF ZONING APPEALS
MARCH 24, 2022
PAGE 3

Member J. Carney echoed the same concerns as member Owens. He thought it a good project that needs to go somewhere else.

Member R. Riley said he loved the idea of supporting the school trades program. However, given the physical characteristics of the lot and the issues that have come up it might be in the best interest of the community to abandon this location.

Mr. Lewandowski commented that he could probably build a smaller footprint home and not construct a garage and there would still be standing water issues in that area. Almost every house in that area is built on the same size lot as this one.

Member F. Owens commented that would be the reason the town building standards have changed. The practical difficulties of this lot do not meet town standards.

Mr. Lewandowski commented that there are concessions he could make to make this a buildable/conforming lot but in the end "If I'm not welcome there, then I won't go there."

Member R. Riley commented that this project would only be adding to an overall problem. He found it interesting that the surrounding neighbor were not connected to a stormwater drain.

Robert Vah 1711 Crocker Street, Chesterton said this has been a small family base community since day one. The standing water on these parcels wasn't a consideration until construction in that area was proposed. He said there are approximately 70 homes in subject area. He estimated that 85 percent of the homes are resident owned.

President J. Kowalski said he was enthusiastic about the project and supporting the trades program until concerns were raised by the surrounding neighbors. He was in agreement with The other members of the board.

Member R. Riley commented that given the opinions of the board he wondered if they might refrain from voting and giving Mr. Lewandowski the opportunity to withdraw the petition.

Mr. Lewandowski said he would like to withdraw the petition given the temperature of the board.

Member R. Riley moved to accept the withdrawal of Petition 21-14. The motion was seconded by member J. Carney and passed by a unanimous roll call vote of 4 to 0.

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**
(Petitioner has requested to continue until April)

BOARD OF ZONING APPEALS
MARCH 24, 2022
PAGE 6

Attorney G. Babcock said this property is zoned R-3. When you buy your home, you are able to check the zoning of the surrounding neighborhood. This project will offer some diversity in housing for the town of Chesterton. He noted that all the petitioner's properties are owned and maintained by the petitioner. "Not only bad people live in multi-family housing." He said they would work with the town to capture their stormwater, because of the additional land out back they have creative opportunities for containing rainwater. The additions of the three conditions have been included to promote safety.

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

Member J. Carney commented that a six-unit building could be placed on this lot without any variances.

Attorney G. Babcock said yes but the fire department would probably still require more concrete to do their work in the event of an emergency. He said they could also build decks rather than patios and bring down lot coverage but decks tend to create more visual noise.

Attorney J. Paulson found the petition to be in order. It would be a board decision.

Member F. Owens said the petition at hand essentially requests to build two three-unit buildings rather than one six-unit building. He thought the two units would more favorable.

Member J. Carney said he could appreciate the neighbor's feelings about the project but another person could come along and build a six-unit building. He found it positive that the property would be owned and maintained by the petitioner.

Member R. Riley commented that the power of this board did not include the power to stop a petitioner from developing this parcel as it is zoned. They would assist in placement of the buildings in the most safe and favorable configuration. He felt that the proposed layout of the buildings would be more aesthetically pleasing than a straight six-unit building. "Will it have an impact on the neighborhood, yes it will, but the property is Zoned R-3."

There were several interruptive comments from the remonstrators prior to the board vote. The president reminded the people they had already had the opportunity to speak in opposition to the petition. Some comment was disrespectful in hearing the board's comment.

Member R. Riley moved to close the public hearing, accept the Findings of Fact along with the conditions imposed and grant the variance requests. The motion was seconded by member F. Owens and passed by a unanimous roll call vote of 4 to 0.

BOARD OF ZONING APPEALS

MARCH 24, 2022

PAGE 7

Robert and Agnieszka Sech requesting a variance to install a 5-foot (60") fence adjacent onto Woodland Drive which currently allows a fence up to 4.5 foot (54") therefore a variance of 6 inches. **Petition 22-05** The secretary verified notification of property owners within 300 feet. She said she had not received proof of publication yet from the Chesterton Tribune and the two proof of publications for the public hearing had printed on the same date.

Attorney J. Paulson said any decision made by the board this evening should be contingent upon receipt of proof of publication and payment. No building permit would be issued until this requirement is received.

Mr. Sech was present. He told the board they have two large dogs and for practical and safety reasons they are interested in installing a bronze color metal picket fence. The installation of the open sight fencing would not obstruct any car or pedestrian traffic. This fence is designed to sit two inches off the ground which necessitates the height variance. He respectfully requested the board to consider granting the variance request.

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

There was no one present to speak in opposition of the petition. The public comment portion of the public hearing was declared closed.

Attorney J. Paulson found the paperwork to be in order. It would be a board decision.

The board found no issue with the proposed fence.

Member J. Carney 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 4 to 0.

Flynn Restaurant Group requesting a variance to replace signage on the East elevation. The proposed replacement signage for corporate compliance would replace existing logo 14.19 square feet and letterset 6.91 square feet with new logo 13.41 square feet and letterset 9.42 an overall increase of 1.73 square feet. A second variance is requested to replace signage on South elevation. The proposed replacement signage for corporate compliance would replace existing logo 14.19 square feet and letterset 6.91 square feet with new logo 13.41 square feet and letterset 9.42 an overall increase of 1.73 square feet. **Petition 22-06 (Petitioner has requested to withdraw the petition)** No motion was necessary

OLD BUSINESS- None

**BOARD OF ZONING APPEALS
MARCH 24, 2022
PAGE 8**

NEW BUSINESS

Reschedule meeting date for April due to early voting

Attorney J. Paulson noted as a matter of business, the town hall would be occupied with early voting on April 28, 2022. It was suggested that the meeting convene on the same date in the Chesterton Fire Station. The board was in agreement.

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board member F. Owens moved adjournment seconded by member R. Riley and passed by unanimous voice vote. The meeting adjourned at 7:50 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

J. Kowalski, President