

**CHESTERTON BOARD OF ZINING APPEALS  
JANUARY 22, 2015  
6:30 P.M.**

The meeting was called to order at 6:30 P.M. Present were members F. Owens, J. Kowalski, and President R. Corder. Member T. Browne was absent. Attorney J. Paulson was present as legal advisor. The pledge of allegiance was recited.

**ELECTION OF OFFICERS**

F. Owens moved to retain the present officers R. Corder as President, T. Browne as Vice President and G. Murawski as Secretary. The motion was seconded by member J. Kowalski and passed by unanimous voice vote.

**APPROVAL OF MINUTES**

Member F. Owens moved to approve the minutes from December 29, 2014 seconded by member J. Kowalski and passed by unanimous voice vote.

**PRELIMINARY HEARINGS- None**

**PUBLIC HEARINGS- None**

**OLD BUSINESS- None**

**NEW BUSINESS**

**B. Kenneth Forgey, III, requesting an amendment to conditions from Petition 03-10**  
Attorney David Baum was present as representation for the petitioner and land owner at 207 Broadway. He was accompanied by Kathleen Seeley. He explained that there is an existing variance granted August 28, 2003 that allows a Non-Permitted Use in a B-1 Zone, for a dog grooming business known as Barkley's. He distributed documentation which included P.O.A. and a letter submitted regarding the issue tonight. Back in 2003 a Use Variance was granted to the landowner with the end user of the property being Barkley's which is owned by Kathleen Seeley and Laura Barcelli. Since that time they have amicably dissolved their prior corporation. Kathleen Seeley is interested in continuing the business under a new corporate structure and a new name.

Attorney Baum clarified that a condition of the variance is that such variance shall be discontinued upon the termination or transfer of the lease for Barkley's to which, Kathleen Seeley and Laura Barcelli were a party. A certificate of dissolution for Barkley's was included in documents submitted. Kathleen Seeley is interested in continuing the same business in the same location with the same standards however a different corporate structure. A letter of incorporation for Bark of the Town by owner Kathleen Seeley was submitted.

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Attorney Baum requested that the board consider amending the limiting language or striking the limiting language imposed by a condition added by the board to Petition 03-10. This request for action this evening would help ensure that there is not a long break in business and owner Kathleen Seeley can retain her clients.

Attorney J. Paulson clarified for the board that they have the authority to amend any conditions imposed on variances granted. In looking back at the success of the business and the condition imposed certainly the language could be amended or they could strike the condition from the variance granted.

Town Engineer M. O'Dell clarified that the use variance would stay indefinitely with this parcel.

There was some additional discussion whether the variance would remain with the property if the business was sold. There would be no condition on ownership.

Member F. Owens moved to accept an amendment to Petition 03-10 removing all conditions that were placed on the original variance that was granted on August 28, 2003 and keep all the remaining Findings and Decisions as they were on that date seconded by member J. Kowalski and passed by unanimous roll call vote of 3 to 0.

**MISCELLANEOUS BUSINESS**

Member F. Owens clarified that former BZA member S. Niepokoj did not seek reappointment to the Plan Commission. He commented that the board appreciated his many years of service as a valued member.

**ADJOURNMENT**

There being no further business before the board member F. Owens moved adjournment seconded by member J. Kowalski and passed by unanimous voice vote. The meeting adjourned at 6:50 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

R. Corder, President