

**CHESTERTON BOARD OF ZONING APPEALS**  
**DECEMBER 22, 2015**  
**6:30 P.M.**

The Meeting was called to order at 6:30 p.m. Present were members J. Ackerman, K. Goldak, J. Kowalski and President R. Corder. Attorney J. Paulson was present as legal advisor. Town Engineer M. O'Dell was in attendance. Member F. Owens was absent. The pledge of allegiance was recited.

**APPROVAL OF MINUTES**

Member J. Kowalski called attention to an error in the minutes which was noted by the secretary. Member K. Goldak moved approval of the minutes as corrected seconded by member J. Ackerman and passed by unanimous voice vote.

**PRELIMINARY HEARINGS**

**William and Mary Scott** requesting a variance to install a 6 foot privacy fence. **Petition 15-16** Tamatha Lozano was present as a spokes person for the Scott petition. She was accompanied by Mr. Scott and explained that her mother Mary Scott had suffered a heart attack yesterday evening. It was understood she would be speaking on her parents behalf since her dad had a difficult time hearing. She gave a brief overview of the petition and requested a continuance. She explained that the home is situated on an angle where Michigan Avenue does not extend east to the house. The house is addressed on Michigan Ave. but the street does not go through. The town has vacated Michigan Ave. in that location. The post office box was placed on the paved alley side of the home. The petitioners want to install a 6 foot fence in what could be considered the front yard. A 4.5 foot fence would be allowable but the petitioners are requesting a 6 foot fence. The fence posts have already been installed but the neighbor is in disagreement with their placement which is causing conflict between them.

Attorney J. Paulson told Ms. Lozano the petition was incomplete and the petitioners would need to provide a copy of the deed. A site plan would be required indicating where the fence would be located and the distances from the home and property lines. The Findings and Decisions would need to be completed. The revisions would need to be submitted to the building department 17 days in advance of the January meeting or by January 11, 2016.

Attorney Paulson recommended that the board continue the preliminary hearing until the January meeting.

Member J. Ackerman moved to continue the preliminary hearing for Petition 15-16 until the January meeting seconded by member J. Kowalski and passed by unanimous voice vote.

**BOARD OF ZONING APPEALS  
DECEMBER 22, 2015  
PAGE 2**

**PUBLIC HEARINGS**

**Anthony L. Evans** requesting a variance to construct an addition to a commercial legal non-conforming structure. **Petition 15-15** Rules for conducting a public hearing were read aloud. The secretary verified proof of publication, notification and payment. Attorney G. Babcock was present as legal representation for the petitioner. He was accompanied by Anthony Evans and family. The bike shop has been in Chesterton since 1991.

Mr. Evans of 204 Oxbow Ct., Valparaiso, IN. was present as owner of the bike shop. He said the current location has very little space. The addition would allow them to expand the showroom giving them more display areas and provide larger aisles. The addition would cost approximately \$60,000.00.

Attorney G. Babcock said the back of the residential home on the site would be converted to office and storage space and the rental unit that exists in the front of the home would still stay an apartment. The new portion of the building would be about 2.5 feet away from the sidewalk as it faces east. The property Zoned B-1 does not have any setback requirements. He commented that our community is very engaged in bicycling. He respectfully requested the board consider granting the variance request.

Mr. Hubbard of 707 S. 4<sup>th</sup> St. Chesterton was present to speak in support of the petition. He said he would like to keep this business in town.

Mr. James Petrites of 1498 Port Cove Dr. Porter was present to speak in support of the petition. As one of Mr. Evans part time employees he expressed a desire to see the business expand. He said every square foot of that property is being used and on busy days it's very difficult to move around for employees but more importantly for customers.

Ms. Tamatha Lozano of 108 S. 13<sup>th</sup> St. Chesterton was present to speak in support of the petition. She said she purchased her first mountain bike from that shop and looked forward to purchasing her sons first bike from that same shop. She said she would love to see it grow.

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

Attorney J. Paulson said the petition was in order.

Town Engineer M. O'Dell said that because this is an addition to a legal non-conforming structure he would like to see the drawings showing the size of the structure included as a condition of the petition. Furthermore he requested that the petitioner add a French drain to the downspouts on both the east and west side of the property. He clarified that the gas service would be relocated.

**BOARD OF ZONING APPEALS  
DECEMBER 22, 2015  
PAGE 3**

Member J. Kowalski verified that the plans were in accordance with the state fire laws.

Town Engineer M. O'Dell said there would be the addition of a two hour firewall and the plans meet state code.

Member J. Kowalski commented on the lot coverage. He found the shed to be located very close to the neighbor's property.

Mr. Evans said the shed is located to the north most portion of his property and is actually 25 feet from the neighbors house. In conversation with the fire chief there would be no problem for them getting to neighboring properties if necessary.

Member K. Goldak wondered if the petitioner had ever lived in the house. She wondered if he had any intention on beautifying the storefront. She felt that even getting rid of the pop machine would be more pleasing in the downtown area.

Mr. Evans said yes. He bought the house contingent upon getting a variance to build the bike shop. He said the expense of building the addition is about the limitation he is going to go. He commented that bikers coming off the Duneland Prairie Trail are thirsty and welcome the sight of that pop machine. He said he sells a huge amount of water, pop and Gatorade from that pop machine.

Member J. Ackerman moved to accept the Findings of Fact, close the public hearing and grant the variance request contingent that the condition as requested by M. O'Dell would be added as a part of the petition. The motion was seconded by member J. Kowalski and passed by unanimous roll call vote of 4 to 1.

**Indian Boundary Property Group, LLC.** Requesting a variance to on Lot 1, allow each tenant one wall mounted sign of 132 square feet and 159 square feet, and a monument sign of 240 sq. ft. totaling 531 sq. ft. Each tenant has 80 feet of frontage. Each wall-mounted sign would be installed on a different elevation. Total variance sought in an increase of sign area by 361 sq. feet. A second variance is requested wherein the base monument sign is 3 feet and the overall height is 15 feet 4 inches. The definition allows a base no higher than 6 feet. **Petition 15-12 (Petitioner has requested a continuance)** Member J. Kowalski moved to continue the public hearing until the January meeting seconded by member K. Goldak and passed by unanimous voice vote.

**Indian Boundary Property Group, L.L.C.** requesting a variance on Lot 2, to allow each tenant two wall-mounted signs of 52.5 square feet each, and a monument sign of 240 square feet totaling 450 sq. ft. The total variance sought is an increase of 280 sq. feet of the sign area. A second variance is requested wherein the base of monument sign is 3 feet and the overall height is 15 feet 4 inches. The definition allows a base no higher than 6 feet.

**BOARD OF ZONING APPEALS**

**DECEMBER 22, 2015**

**PAGE 4**

**Indian Boundary Property Group, L.L.C.** requesting a variance on Lot 2, to allow each tenant two wall-mounted signs of 52.5 square feet each, and a monument sign of 240 square feet totaling 450 sq. ft. The total variance sought is an increase of 280 sq. feet of the sign area. A second variance is requested wherein the base of monument sign is 3 feet and the overall height is 15 feet 4 inches. The definition allows a base no higher than 6 feet. **Petition 15-14 (Petitioner has requested a continuance)** Member J. Kowalski moved to continue the public until the January meeting seconded by member K. Goldak

**OLD BUSINESS**

Town Engineer M. O'Dell told the board that the Building Department did not survey the property line. The petitioners were instructed that it is their responsibility to put the fence post up on their property. He said they look at the holes and concrete to make sure they are installed correctly. The department does not determine the location. The neighbor has supplied a copy of a survey, which he paid for. The survey shows the fence posts are installed on property located on his side of the vacated property.

**NEW BUSINESS- None**

**MISCELLANEOUS BUSINESS- None**

**ADJOURNMENT**

There being no further business before the board member K. Goldak moved adjournment seconded by member J. Ackerman. The meeting adjourned at 6:55.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved;

BZA President