

**CHESTERTON BOARD OF ZONING APPEALS**  
**JANUARY 28, 2016**  
**6:30 P.M.**

The meeting was called to order at 6:30 P.M. Present were members F. Owens, K. Goldak, J. Ackerman and J. Kowalski. President R. Corder was absent. Town Engineer M. O'Dell was in attendance. Attorneys J. Paulson and C. Nolan were present as legal advisors. The pledge of allegiance was recited.

**ELECTION OF OFFICERS**

Member J. Kowalski moved to nominate J. Ackerman for president seconded by member K. Goldak and passed by unanimous voice vote.

Member J. Kowalski moved to retain F. Owens as vice president seconded by member K. Goldak and passed by unanimous voice vote.

Member J. Kowalski moved to retain G. Murawski as secretary seconded by member K. Murawski and passed by unanimous voice vote.

**APPROVAL OF MINUTES**

Member K. Goldak moved approval of the minutes from December 22, 2015 seconded by member F. Owens 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** Mrs. Scott was present. She requested a continuance until the May meeting. She said there are some issues and weather is a factor for getting the property surveyed.

Attorney J. Paulson suggested that the petitioner strengthen the Findings of Fact which at this time are not legally sufficient.

Members of the board explained the petitioner's requirement to provide support for the variance request.

The secretary offered to provide the petitioner with samples of previous petitions. She would call the petitioner.

Town Engineer M. O'Dell told the board that there are currently stakes in place from the neighbor's survey which indicate that the fence posts are over the Scott property line. It was

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understood that approval of this petition would not take place until a public hearing is held in June and subject to the board's approval.

Member J. Kowalski moved to continue the preliminary hearing until the May 26, 2016 meeting seconded by member F. Owens and passed by unanimous voice vote.

**PUBLIC HEARINGS**

**Indian Boundary Property Group, LLC.** requesting a variance on Lot 1, to 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)** The secretary verified proof of publication notification and payment. Attorney J. Parkinson encouraged members of the board to hear each petition separately. Rules for conducting a public hearing were read aloud. Attorney Greg Bower of 425 Joliet, Dyer, IN. was present as legal representation for the petitioner. He distributed a revised site plan. He characterized the area as being a highly commercial area with the brick and masonry structure built to be long lasting. He said the freestanding signs would fit nicely into the front elevation. He walked members of the board through the calculation of the signage on the building. He said they initially tried to follow the Ordinance requirements while also considering their client's needs and furthermore taking into consideration the board's recommendations. In the end it is the unique configuration of the parcel which makes it difficult to develop the parcel within the perimeters of the Ordinance. He found their request to be in keeping with the surrounding businesses. He found signage to be identifiable for the public while traveling the road. He commented that's an important consideration that they are taking 160 foot of frontage and restricting it to two national tenants thereby eliminating multiple small tenants with individual signage needs. He distributed a summary of a study done by the University of Cincinnati, Economics Dept. supporting the notion that increased signage increases business. Not only does it increase business it also increases employment. He concluded by saying that everyone has to work together to achieve the right result for the town, the client and the consumer. If the client and the business do well that will spur development and growth across the street which is good for the community. The internet has changed the nature of how we do business. Brick and mortar businesses and tenants are difficult to find if they drive by because of inadequate signage they may just find it easier to go home and click a button on the computer.

Petitioner Jonathan Hanus with the Indian Boundary Property Group LLC was present. He stated that both the town and his group have the same set of goals. "We want to produce jobs, we both want to produce taxes and we both want to have a safe environment and a nice retail

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structure. He said Dollar Tree is very excited to open here in Chesterton. He told the board we want to bring more jobs here we want to bring more taxes and we want to bring more vitality to this neighborhood. We are located in the worst position of anyone at the end of the road and set back from Gelsosmo's Pizzeria. He commented that there is nothing worse than a business deciding to close a store due poor financial sales. These are corporate decisions and things like a great community and easily identified signage make a location thrive. A vacant building in any community begets loitering, vandalism and all different types of problems. The signage is what these guys need. There is a direct coloration between signage and jobs. Every conversation had with a potential tenant is what signage can we get? He respectfully requested the board to consider granting the variance.

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

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

Member K. Goldak commented that it seems as if the current Sign Ordinance didn't apply to your development. Perhaps the thought process should have been the Ordinance was redrafted to decrease any future excessive signage. The town has worked very hard on the new signage requirements.

Mr. George Hanus said the reason we're here is to ask for something other than the Ordinance provision. Some of the large signs along roadways are so excessive towns are deciding they don't want that to be their town. So now the pendulum is starting to shift to a much more restrictive and scaled down signage. He said we are here tonight to answer the question of why we should have more signage. He said we have taken fallow land and made it productive. We filled in where other people did not. We have spent a great deal of money engineering this site. In terms of the town we have brought money to schools, the library the township and county. We will be increasing employment and every one of those surrounding food service establishments will have increased traffic with employees and patrons choosing to eat along that stretch. We want these guys to succeed.

Member Kowalski said his biggest concern is for the health safety and welfare of this community. He commented that what he believed in 10 years ago and what he believes in now has changed. As a community we have revitalized our ordinance because people don't need excessive amounts of signage to succeed. In other communities these national tenants have flourished and managed to stay within a restrictive ordinance. A sign at 15 feet is creating a safety hazard in this community. The thought of me granting a variance for a 15 foot high sign makes me liable.

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Member K. Goldak said if you are coming from the downtown area there are no trees to block or obstruct any view of the retail development. In approaching this stretch off of SR 49 the speed limit is 30mph. That is not an excessive speed to view a more scaled down monument sign. She cited several locations using monument signs with a posted speed limit of 30 mph.

Member F. Owens commented that the size of the monument sign requested is quite large.

Mr. G. Hanus asked members of the board what size sign they would feel comfortable with.

Member J. Kowalski said he feels a 6 foot sign is sufficient for the business to be successful.

President J. Ackerman commented that a vast majority of customers patronizing the business would be local since the national retailer has a presence in many neighboring communities. He asked the petitioner "Where is the hardship?"

Mr. J. Hanus said from a safety standpoint they have lighted that area up making it more visible but the buildings are still set back behind Gelsosmo's.

After a considerable amount of negotiation it was the general consensus of the board that the building signage would be acceptable. Member F. Owens commented that the building is built and there would be a scale problem if any changes were made to the building signage.

Mr. J. Hanus in a final effort to negotiate the square footage of the monument sign, proposed a nine foot sign having a base of 3 feet and 3 feet of signage for each tenant for a total height of nine feet and a width of 10 feet.

Member F. Owens proposed a sign with a base of 2 feet and 3 feet of signage for each tenant for a total height of 8 feet.

Once again after a considerable amount of negotiating and an exorbitant amount of signage square footage calculations it was the general consensus of the board to keep the total square footage request to under, 300 square feet. It was clarified that a monument sign being 6 feet by 9 feet would result in a cumulative square footage of 293.

Attorney Bower formally requested to amend the variance request as follows; to increase the cumulative number of square feet of sign area to 293 feet from the 170 feet allowed which is a variance of 123 feet. The monument sign has an overall height of 8 feet for a variance of 2 feet.

Member F. Owens moved to close the public hearing and accept the Findings of Fact and grant the variance request as amended by the petitioner. The petition would further include the condition that the letters on the building would be channel letters. The motion was seconded by member K. Goldak and passed by a unanimous roll call vote of 4 to 0.

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**Indian Boundary Property Group, LLC.** 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)** Rules for conducting a public hearing were read aloud. The secretary verified proof of publication notification and payment. Attorney Bower noted that all exhibits submitted apply to Lot 2 and Lot 1. He explained that he would be asking to amend their request to 318 square feet of cumulative signage. They would be asking for four (4), 52 square foot signs for a total of 210. Plus the 6 foot by 9 foot is 54 and two is 108. The 210 plus the 108 is the 318 requested. They would also request a 2 foot variance for the height of the sign for an overall 8 foot high monument sign.

Member K. Goldak asked where the other two signs were going.

Attorney Bower indicated on the site plan that they would go on the side elevations. He said it was very important that the smaller tenants have as much recognition in the market place. They would also commit to only channel letters being used on the building. There would be uniformity on both the buildings.

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

There was no one present to speak in opposition to the petition.

Mr. Terry Huffman of 223 12<sup>th</sup> Street, Chesterton, IN. congratulated the board and town on reining in the amount of signage over the years. He was happy to see tonight's earlier petition request came to a compromising decision.

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

Town Engineer M. O'Dell said the town went to 25 square feet of signage on all buildings and that number has been well received by businesses. He said they used a formula of 1.5 times the lineal footage of the building. He commented that it is a board decision but petitioners have taken the number doubled it and are asking for four sides.

Mr. J. Hanus said they are having trouble securing tenants for that building and this request is very important. He guaranteed channel letters and that the building would still look very nice.

Member F. Owens said he didn't necessarily have an issue with the 52 square feet but found the four sides to be excessive. He proposed a 2 foot by 8 foot sign. The petitioner proposed 3 foot by 10 foot. In the end the compromise would be to allow 3 foot by 9 foot lettering on the building sides and the front would stay as proposed.

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Member F. Owens clarified that would be a total square footage of 267.

Attorney Bower formally requested to amend Petition 15-14 as follows; to increase the cumulative number of square feet of sign area to 267 feet from the 170 feet allowed which is a variance of 97 feet. The monument sign has an overall height of 8 feet for a variance of 2 feet.

Town Engineer M. O'Dell said he wanted to see the each side specified.

Mr. J. Hanus said he was fine with limiting the size on the side.

It was determined that an additional variance would be required. The additional variance would be to allow additional signs on the sides of the building a variance of 97 square feet.

The following conditions would be added to this petition; 1. Signage on the building would be channel letters only. 2. The signs on the side of the building shall not be larger than 27 square feet each. 3. The signs on the front of the building shall not be larger than 52.5 square feet each.

Member F. Owens moved to close the public hearing accept the Findings of Fact and grant the variance request as amended to increase the cumulative number of square feet of sign area to 267 feet from the 170 feet allowed which is a variance of 97 feet. The monument sign has an overall height of 8 feet for a variance of 2 feet with the conditions as follows; 1. Signage on the building would be channel letters only. 2. The signs on the side of the building shall not be larger than 27 square feet each. 3. The signs on the front of the building shall not be larger than 52.5 square feet each. The motion was seconded by member K. Goldak and passed by a unanimous roll call vote of 4 to 0.

**OLD BUSINESS- None**

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**NEW BUSINESS**

Member K. Goldak thanked the Chesterton Town Council for appointing her to the Board of Zoning Appeals.

**MISCELLANEOUS BUSINESS- None**

**ADJOURNMENT**

There being no further business before the board member F. Owens moved adjournment seconded by member K. Goldak and passed by unanimous voice vote. The meeting adjourned at 8:48.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

J. Ackerman, President