

CHESTERTON BOARD OF ZONING APPEALS
MARCH 26, 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. Town Manager B. Doyle was in attendance. Attorney J. Paulson was present as legal advisor. Member T. Browne was absent. The pledge of allegiance was recited.

APPROVAL OF MINUTES

Member F. Owens moved approval of the minutes from February 26, 2015 seconded by member J. Kowalski and passed by unanimous voice vote.

PRELIMINARY HEARINGS

Aetna Development Corporation requesting a variance to reduce the size of off-street parking spaces (Length from 20 feet to 18 feet for a 75-90 degree parking angle) a second variance is requested to increase the cumulative number of square feet of sign area from 245 square feet to 361 square feet. **Petition 15-01** Attorney Todd Leeth of Hoepfner Wagner & Evans LLP was present as representation for the petitioner. Attorney Leeth said they had gone ahead and removed the request for a second variance dealing with signage. The amended petition also corrected the petitioner. Eric Smith from TMA Associates the design professionals involved with this project accompanied Mr. Leeth. The variance request tonight is only for the direction of the length of the parking space. A meeting with department heads following the February preliminary hearing resulted in one of the curb cuts being eliminated on Indian Boundary Road.

Attorney J. Paulson indicated to the board that the amended petition and site plan had not been submitted within the required time frame. The board would need to make a unanimous decision to waive the rules and consider the late filing.

Member J. Kowalski said he did not have the opportunity to look at the amended petition or site plan and prepare himself for to make the decision to set this item for public hearing. Materials should have been submitted on March 16th and were not received until March 23rd.

Attorney Leeth agreed that the petition should have been filed within the required time frame. Members of the board additional conversation about the timeliness of the filing. Attorney Leeth apologized for the tardiness of the revised submittal.

Member J. Kowalski said he needed to make a decision based on department head recommendations. The question of the parking spaces is almost secondary to the site plan. His decision regarding parking spaces would be based on this project upholding the health safety and welfare of this community.

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Attorney Leeth said he was only looking at a simple petition to reduce parking spaces and the board is looking at much more. He commented; you're looking at whether the project should proceed or not.

Member Kowalski said when the board makes a decision they have to look at every aspect of the project.

Attorney Leeth said he disagreed the issue before the board is those parking space sizes. He understood that's a piece of a much larger puzzle up for review.

Member F. Owens said he would not comment on the petition unless the board agreed to suspend the rules.

Member F. Owens moved to suspend the rules and hear the petition seconded by member J. Kowalski and passed by unanimous voice vote.

Attorney Leeth said he believed the petition to be in order. He said they would not be losing anything with regard to sidewalk and parking area. The lot design would alleviate the stop blocks from the parking area which is a big inconvenience in lot maintenance and upkeep. He respectfully requested the board to set this item for public hearing.

Member J. Kowalski commented that there is a big change in the use of the property from residential to commercial although it is Zoned B-3.

Member F. Owens commented that this property is zoned for this use. The petitioner is not asking for a Use Variance.

Member F. Owens moved to set this item for public hearing at the April 23, 2015 meeting seconded by member J. Kowalski and passed by unanimous voice vote.

Kenneth O. McAloon III Christine A. McAloon requesting a variance to construct a shed on an inactive utility easement reducing a rear yard setback from 5 feet to 4.3 feet a reduction of .7 feet **Petition 15-02** Mr. McAloon was present. He told the board that he had amended the petition as the board had requested. He included in his re-submittal a site plan which confirmed that the proposed shed would not cover more than 30 percent of the lot and would be located far enough away from any other structure on the property. He said the shed was already under construction with its placement being on an inactive easement. He respectfully requested the board to consider setting the petition for public hearing.

Attorney J. Paulson said she had no issue with the petition.

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It was the general consensus of the board that Mr. McAloon had done a nice job on the revision of his petition.

Member J. Kowalski moved to set this item for public hearing at the April 23, 2015 meeting seconded by member F. Owens and passed by unanimous voice vote.

PUBLIC HEARINGS- None

OLD BUSINESS- None

NEW BUSINESS- None

MISCELLANEOUS BUSINESS

Attorney J. Paulson commented that the BZA should have a fifth board member by the April meeting.

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 7:22 p.m.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

R. Corder, President