

CHESTERTON BOARD OF ZONING APPEALS
JUNE 22, 2017
6:30 P.M.

The meeting was called to order at 6:30 P.M. Present were members F. Owens, K. Goldak, R. Riley, J. Kowalski and president J. Ackerman. Town Engineer M. O'Dell was in attendance. Attorney J. Paulson was present as legal advisor. The pledge of allegiance was recited.

APPROVAL OF MINUTES

Member J. Kowalski moved approval of the minutes from May 25, 2017 seconded by member R. Riley and passed by unanimous voice vote.

PRELIMINARY HEARINGS

Michael Larson and Jessica Larson requesting a variance to reduce a front yard setback from 20 feet to 13 feet therefore a variance of 7 feet for the purpose of constructing a porch.

Petition 17-05 Mr. Larson was present he told the board he is constructing a wrap-around porch in the front yard, the porch will encroach into the setback.

Attorney J. Paulson noted that there was no petition filed. The Findings of Fact were filled out but no petition. She noted that Finding #3 was incomplete. There will be practical difficulties in utilizing the property if the variance is not granted. She requested the petitioner to make a clean copy of all property owners within 300 feet without scratch offs along with a map. Attorney Paulson commented that legally the board could not set this item for public hearing since there was no petition submitted with the paperwork.

President J. Ackerman suggested continuing the preliminary hearing. The petition would be due by July 10, 2017.

Member F. Owens moved to continue the preliminary hearing for this item until the July 27, 2017 meeting seconded by member R. Riley and passed by unanimous voice vote.

PUBLIC HEARINGS

Pierre Lauzon and Kristine L. Lauzon, husband and wife requesting a variance to construct an in-ground pool with concrete deck whose impervious surface will cause the lot coverage to be 36.8 percent (766 square feet) where the Ordinance allows lot coverage of 30 percent therefore, a variance of 6.8 percent. **Petition 17-04** The secretary verified proof of publication, notification and payment. Attorney G. Babcock was present as legal advisor for the petitioners. The Lauzon Family accompanied him. He told the board the Lauzon's have lived in Abercrombie Woods since 2007 and are interested in installing a pool. The covenants in that subdivision only allow for inground pools. From a safety perspective, the yard is surrounded on three sides by a fence with all gates having locks. Drainage will not be altered and a shared French Drain system would continue to carry water from theirs and neighboring homes.

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The installation of the pool would bring property values up. The Lauzon's have made an investment of \$45,000.00 with the addition of the pool. Attorney Babcock requested to amend the Findings of Fact the lot size should be 9500 square feet rather than the 8800 square feet. He respectfully requested the board to consider granting the variance request.

Shawn Rutkowski of 4291 Abercrombie Dr., Chesterton was present to speak in support of the petition. He said he had reviewed the plans and together they have addressed concerns about drainage with the use of a shared French Drain.

President Ackerman entered into the record a letter in support of the petition. The letter was received from Ryan and Molly Egan of 2461 Westwood Lane, Chesterton.

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

Member R. Riley moved to close the public hearing, accept the Findings of Fact and grant the variance request seconded by member K. Goldak and passed by unanimous roll call vote.

William Bennett requesting a Use Variance to operate a physical adventure game where players solve puzzles, using hints and clues, to "escape" the room. **Petition 17-05** The secretary verified proof of publication, notification and payment. Mr. Ring and his family were in attendance. Mr. Ring the end user of the Bennett property told the board he had turned the door to swing out in the room that would be a single room game. The other two rooms they are interested in making a double room game. They would use partitions to make a third door a keyless entry door. There would be a code for that door and there would also be a key fob mounted next to the handle and marked for emergency use. He distributed a site plan as an exhibit with the doors depicted. He briefly walked members through the site plan. He said they are very excited to get things up and running. Everyone they talk to about the idea is supportive. He respectfully requested the board to consider granting the variance request.

There was no one present to speak in support of the petition. President Ackerman said he had received a letter from Kevin Murray the owner of Val's Pizza located at 112 South 11th Street, Chesterton in support of the petition. He thought it would be a great fit for the area. He found it to be an asset to the businesses at the west end of town.

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

Town Engineer M. O'Dell requested that a condition be added to the petition that there would be no hazardous materials used as props. Furthermore, he requested a revised site plan/building map for the permit process. He said they would also work together to limit occupancy.

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Mr. Ring agreed to both those requests. He said all special effects or anything to enhance the experience would be done digitally or electronically. There would be two separate game rooms operational with future plans of a third room. Game times would be staggered with a maximum of 26 people including employees. The teams would have a minimum of two people and a maximum of eight.

Member J. Kowalski said he was concerned whether the variance would go to Mr. Bennett as the owner of the property and remain with the building or to the business. He commented that there have been times in the past where the variance has stayed with the property and that leaves to many open ends if the business owner were to change hands.

Attorney J. Paulson said she understood what member Kowalski was getting at. She clarified that Mr. Ring was operating the business as an LLC, which he has an ownership stake in.

Member R. Riley commented that the board would be granting a Use Variance. As long as the Use does not change the variance should be good. A secondary business owner would still be subject to all the conditions imposed as a part of granting the variance.

M. O'Dell explained that Member Kowalski's condition would require a subsequent future business owner to come back before this board for approval. Even if it continued in the same Use.

There was some additional conversation among board members, property verses person.

M. O'Dell said adding restrictive conditions helps ensure responsible business agents. He cited a variance granted for the gun shop also located on that property. The gun shop has closed but the ability for another person to use that space as a gun shop still exists because that variance runs with the property.

Attorney J. Parkinson suggested adding a time limit for that variance to remain. She suggested a 30-day option.

Member K. Goldak wondered how the family business would be marketed. She inquired about hours of operation. She thought it was a great idea.

Mr. Ring said he would use marketing websites and utilize the exposure the Chesterton Chamber could help with. They would get exposure at parades. They would also advertise in movie theatres. Mr. Ring said the hours of operation would be Monday through Thursday, 4:00 to 9:00 p.m. on Fridays 4:00 to 11:00 on Saturdays 11:00 a.m. to 11:00 p.m. and Sunday 12:00 to 10:00 p.m. The rooms would be monitored by Bluetooth and computer monitors. There was some additional conversation on how times would be slotted and ages grouped. Youngsters under age 13 would be accompanied by an adult. They looked forward to an August 1, 2017 opening date.

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It was the general consensus of the board that a condition would be added to the petition placing a 30-day restriction on the variance if it would change hands. They would also require that the site intentions and buildout take place within 90 days.

Attorney J. Paulson crafted conditions proposed by members of the board and staff that would be imposed; hereto attached and made a part of these minutes.

Member R. Riley moved to close the public hearing accept the Findings of Fact and grant the variance request subject to the conditions imposed seconded by member K. Goldak and passed by unanimous roll call vote of 5 to 0.

OLD BUSINESS- None

NEW BUSINESS- None

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board member R. Riley moved adjournment seconded by member K. Goldak and passed by unanimous voice vote. The meeting adjourned at 7:37 p.m.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

J. Ackerman, President

THE FOLLOWING SECTION IS FOR BZA USE ONLY

THE BOARD NOW GRANTS REJECTS _____ the above requested USE VARIANCE:

And further decides the following conditions shall be imposed:

1. NO HAZARDOUS MATERIALS SHALL BE UTILIZED AS PROPS. IN THE BUSINESS
2. PETITIONER SHALL PROVIDE THE BUILDING DEPARTMENT WITH A FULL INTERIOR PLAN OF THE SITE.
3. IF THE USE IS DISCONTINUED FOR 30 DAYS OR MORE THE VARIANCE SHALL TERMINATE.

Dated: June 22, 2017

4. BUILDING PERMIT SHALL BE APPLIED FOR WITHIN 90 DAYS OF THE VARIANCE OR THE VARIANCE SHALL TERMINATE.

CHESTERTON ADVISORY BOARD OF ZONING APPEALS

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