

CHESTERTON BOARD OF ZONING APPEALS
DECEMBER 27, 2018
6:30 P.M.

The meeting was called to order at 6:30 P.M. Present were members F. Owens, J. Ackerman, K. Goldak and president R. Riley. Attorney J. Paulson and C. Nolan were present as legal advisors. Member J. Kowalski was absent. The pledge of allegiance was recited.

APPROVAL OF MINUTES

Member F. Owens moved approval of the minutes from November 20, 2018 seconded by member J. Ackerman and passed by unanimous voice vote.

PRELIMINARY HEARINGS

BenLew Enterprises, LLC. Requesting a Use Variance to allow residential use in B-2 Zoning for third floor only. **Petition 18-12** Mr. Brian Lewandowski and Mr. Brandon Bennett of BenLew Enterprises, LLC. were present. He told the board they acquired the building located at 442 North Calumet Road in September. The third-floor layout currently has bathrooms which include a shower and could be used for residential space. The town has indicated that there are some ingress/egress issues which need to be addressed along with the addition of smoke detectors but nothing major. Since filing the petition, they have been approached by a tenant wanting to utilize the space for a one on one learning center. It would not be a huge occupancy.

Attorney J. Paulson clarified that if they obtained the variance for residential use, they would still retain the B-2 uses allowed in that zone. If they obtained the variance it could also be used as a residence once the necessary improvements are made.

BenLew said they would proceed with the variance request.

Attorney J. Paulson clarified that if they withdraw the petition, they cannot repetition the board seeking the same variance for three months. If they need an additional month to figure out the type of occupancy for the space they could request to continue the preliminary hearing.

President R. Riley requested the petitioners to provide a layout of the third-floor residents and an ok from the necessary department heads.

BenLew told the board that the Bell Manor Building has a walkout basement making it a three floor building. The third floor could easily be converted to 2 or 3 rental units.

BenLew also questioned the board about a Phase II of the property. The land out behind Bell Manor Lot 2 is also owned by themselves. They expressed an interest in constructing studio type apartments build on stilts as the land is not designated wetlands but is located in a floodplain. The proposed apartments elevation would be above the floodplain. Mr. Lewandowski said he was unsure of the lots current zoning.

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Attorney J. Paulson said that multi-unit apartments would require R-3 Zoning.

It was the general consensus of the board that BenLew should make an appointment with department heads once a concept plan is hatched.

The petitioners requested to continue the preliminary hearing until the January 24, 2019 meeting.

Member F. Owens moved to continue the preliminary hearing until the January 24, 2019 meeting seconded by member K. Goldak and passed by unanimous voice vote.

PUBLIC HEARINGS- None

OLD BUSINESS- None

NEW BUSINESS- None

MISCELLANEOUS BUSINESS

Attorney J. Paulson told the board that the town council appointed Rodney Corder to take the place of member K. Goldak as she will be absent the months of January, February and March.

ADJOURNMENT

There being no further business before the board member J. Ackerman moved adjournment Seconded by member K. Goldak and passed by unanimous voice vote. The meeting adjourned at 6:50 P.M.

Respectfully submitted,

Gail Murawski, Secretary

Approved:

President