

CHESTERTON BOARD OF ZONING APPEALS
SEPTEMBER 26, 2019
6:30 P.M.

The meeting was called to order at 6:30 P.M. Present were members F. Owens, J. Ackerman, K. Goldak, J. Kowalski and President R. Riley. 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 K. Goldak moved approval of the minutes from September 26, 2019 seconded by member J. Kowalski and passed by unanimous voice vote.

PRELIMINARY HEARINGS

John Olsen requesting a 6-foot fence 1-foot from the property line (Alley r/w) where the town code requires a 5-foot distance therefore a variance of 4-feet. **Petition 19-14** Mr. Olsen was present. He is interested in constructing a 6-foot wood fence off the garage and come back down 1-foot from the property line. This would require a four-foot variance.

Attorney J. Paulson informed the petitioner that he needs to submit the Findings of Fact. A copy of the deed is also needed. Furthermore, he needed to resubmit the petition with the variance request. He also needed to provide a list of property owners within 300 feet by Oct. 7, 2019. It was clarified that the petitioner was asking for a variance from zoning article 806-B.

Member J. Ackerman moved to set this item for public hearing on Oct. 24, 2019 seconded by member F. Owens and passed by unanimous voice vote.

PUBLIC HEARINGS

Prepared Services Contracting, LLC., Pedro A. Azevedo and Ana M. Azevedo Living Trust requesting a Use Variance for special events center. **Petition 19-12** **The secretary verified proof of publication, notification and payment.** Mr. Darrick Serianni Founder and CEO of Prepared Services Contracting, LLC was present. Mr. Serianni told the board they are excited about what's going on at the 505 Warehouse. He commented that Prepared Services has taken an eyesore in the community and invested a lot of money into the project. No uses would adversely impact the neighbors and no use could compete with the train noise. They are committed to the community and increasing property values of the neighborhood. They received the Duneland Chamber 2019 Business Renovation Award. Additionally, the special event center would promote entertainment, education, connecting people and forming relationships. They clarified what type of events could potentially be held at the center. He commented that there was more than adequate parking on the premises. The general hours of use would be from about 6:00 A.M. until midnight which included loading and unloading as well as cleaning. There would be on average about two events per week. The building will comply with state code fire requirements as well as Chesterton Code requirements. In conclusion he told the board that as a member of the town his family and

**BOARD OF ZONING APPEALS
SEPTEMBER 26, 2019
PAGE 2**

business is very important to him. He looked forward to staying here for a long time. He distributed a copy of the site plan to the board.

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

Sandra Friday of 406 Grant Ave., Chesterton was present to speak in opposition to the petition. She said she was disturbed that the variance request did not come before their first event and the grand opening. She recalled back in September of 2007 there was a business across the street from this building called AccuCast that had a fire. She remembered firefighters having a difficult time getting to the site and the building was a total loss.

Paul Childress owner of property located at 307 Wabash, Chesterton was present to speak in opposition to the petition. He expressed concerns about the hours of operation. He told the board he has renters in that residential area. He felt the hours of operation are too late.

Member K. Goldak asked if there had been any complaints from his tenants following the event held there. Mr. Childress said no.

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

Mr. Serianni said they will take everyone's concerns into consideration. Whatever they can do to adjust and monitor the concerns would be done as long as it makes sense and they are following the law. Events would not last until midnight. He wanted to ensure ample time for clean-up and take down and loading of vendor related items.

Member K. Goldak asked if the fire chief had concerns regarding emergency vehicle accessibility.

Town Engineer M. O'Dell thought perhaps there would be parking restrictions along Grant Avenue.

Mr. Serianni told the board that often times there are parked vehicles all along Fourth Street and Grant Avenue. He did note that he has 150 parking spots on premise.

Member K. Goldak commented that she is in favor of this petition. She walked through the site and could tell they spent a lot of money and time to make this an asset to the town.

Member J. Ackerman asked how often they might host events.

Mr. Serianni said their business plan would be aiming for two events per week.

Attorney J. Paulson told the board she had meet with M. O'Dell and Fire Chief Jarka to discuss some conditions of the petition. The conditions are included in the board's action.

**BOARD OF ZONING APPEALS
SEPTEMBER 26, 2019
PAGE 3**

Mr. Serianni said the only condition he questioned was the use of a smoke machine. He thought that at some time in the conversation that there had been an offer to use a smoke machine that uses water to create the smoke. He said that wasn't a make or break condition for him, but he wanted to revisit that item.

Town Engineer M. O'Dell said they might want to think about limiting hours operations for events from Sunday through Thursday.

Mr. Serianni told the board that the office portion of the building is open to tenant activity twenty-four seven. He has had interest in hosting events and seminars where limiting hours of operation could cause him a loss of business.

Member J. Kowalski said he wants the business to succeed and understood Mr. Serianni's position on limiting hours. He cited hours of operation for bars and noted once again the noise of the train. Over the years there have been many parties that came to take over that site and never put a dime into its beautification. Here's a group that has spent the money and needs to be successful. This use of the property in an I-1 Zone has minimal impact compared to what could possibly go into the site.

President Riley was in agreement with member Kowalski. He mentioned that the screening around the fenced site has done a lot to reduce headlights into the surrounding neighborhood.

Member J. Kowalski moved to close the public hearing accept the Findings of Fact and grant the variance contingent upon the conditions as follows:

1. The use shall not be permitted until the petitioner receives all approvals from the state of Indiana for such use or installs a sprinkler system on the property as required by the Indiana Building Code and or Fire Code.
2. If no sprinkler system is installed in the building the following shall not be used in the building: curtains except for those which are flame retardant; pyrotechnics; open flames; smoke machines (unless approved by the fire chief) ovens and ranges;
3. The occupancy load of the building must be determined by a licensed architect and meet with Requirements of Chapter 34 of the Indiana Building Code and all other requirements in Indiana Law.
4. No flammable fuel, including but not limited to gasoline and kerosene or equipment that is powered by flammable fuel, may be stored in the building.

The motion was seconded by member F. Owens and passed by unanimous voice vote.

**BOARD OF ZONING APPEALS
SEPTEMBER 26, 2019
PAGE 4**

Prepared Services Contracting, LLC., Pedro A. Azevedo and Ana M. Azevedo Living Trust requesting a variance to increase building signage exceeding allowable area.

Petition 19-13 The secretary verified proof of publication, notification and payment.

Mr. Serianni walked members of the board through the proposed signage package. The existing freestanding sign would also be included as a part of the proposed signage.

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

Lesly Friday of Grant Ave., Chesterton was present to speak in opposition to the petition. She was concerned that the view from her homes window would be cut off. She didn't want this to be a big light up billboard.

President R. Riley explained that the sign would not be made any larger and the lumens would remain within town requirements.

There being no other persons to speak, the public comment portion of the public hearing was declared closed.

Member K. Goldak commented that the signage area requested is huge but when you consider that there are three other businesses in the building it's not excessive.

Member J. Ackerman was in agreement with member Goldak. It was the general consensus of the board that because of the visibility challenges at the site the signage is not excessive.

Attorney J. Paulson commented that the wording of the condition should be clarified to read as follows; A maximum of 535 square feet for all signage on the property. See Exhibit A

Member F. Owens moved to close the public hearing accept the Findings of Fact along with the imposed condition as defined on Exhibit A, and grant the variance request seconded by member K. Goldak and passed by unanimous voice vote.

**BOARD OF ZONING APPEALS
SEPTEMBER 26, 2019
PAGE 5**

OLD BUSINESS- None

NEW BUSINESS- None

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board member K. Goldak moved adjournment seconded by member F. Owens and passed by unanimous voice vote. The meeting adjourned at 7:25.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved;

R. Riley, President