

**CHESTERTON BOARD OF ZONING APPEALS  
FEBRUARY 27, 2020  
6:30 P.M.**

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

**APPROVAL OF MINUTES**

Member R. Riley moved approval of the minutes from January 23, 2020 seconded by member J. Ackerman and passed by unanimous voice vote.

**PRELIMINARY HEARINGS- None**

**PUBLIC HEARINGS**

**Mary E. Cahillane** requesting a Use Variance to allow residential use (two family) in a business zone where the same is not allowed by the Ordinance. **Petition 20-01**

**Mary E. Cahillane** requesting a variance to allow a second principal structure on a lot where the Ordinance only allows 1 principal structure on a lot, therefore a variance of 1 additional principal structure. A second variance is requested for remodeling a residential unit (carriage house) in a business zone where the current minimum lot area is 7,062.5 square feet, and the Ordinance requires 7,200 square feet, therefore a variance of 137.5 square feet. A third variance is requested for remodeling a residential unit (carriage house) in a business zone having a width of 56 feet 6 inches, where the Ordinance requires a minimum width of 70 feet, therefore a variance of 13 feet 6 inches. A fourth variance is requested for remodeling a residential unit (carriage house) in a business zone having a front yard setback of 22 feet 10 inches, where the Ordinance requires 30 feet, therefore, a variance of 7 feet 2 inches. A fifth variance is requested for remodeling a residential unit (carriage house) in a business zone with the rear yard setback of 4 inches, where the Ordinance requires a 10 feet rear yard setback, therefore a variance of 9 feet 8 inches. A sixth variance is requested improving an existing commercial building in a business zone having a front your setback of 20 feet 6 inches, where the Ordinance requires a front yard setback of 30 feet, therefore a variance of 9 feet 6 inches. **Petition 20-02**

It was the general consensus of the board to hear Petitions 20-01 and 20-02, petitioner Mary E. Cahillane together. The Use Variance and Developmental Standard Variance requests would be addressed by Attorney G. Babcock.

Rules for conducting a public hearing were read aloud. The secretary verified proof of publication, notification and payment. Attorney G. Babcock was present as legal representation for the petitioner. He was accompanied by Mr. and Mrs. Cahillane.

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Attorney Babcock indicated that the property is located at the corner of 13<sup>th</sup> Street and Broadway. The front of the commercial building is located on Broadway with the home and carriage house being located on South 13<sup>th</sup> Street. He told the board the petitioners are interested in remodeling the carriage house so it can be used as a residence. The property is Zoned B-2. It is comprised of five separate lots with three structures. The residence was built in 1910, with a commercial structure being added shortly after. The carriage house was added in 1948. Chesterton did not adopt a zoning ordinance until sometime after 1954. The Cahillane's purchased the property in 2019. They received a permit to repair and strengthen the foundation. It was later determined that the carriage house is in a business zone and remodeling the structure for residential use would necessitate the Use Variance being requested. The house has a tenant living in it. The petitioners would be interested in taking the two southern lots and about six and half feet of the adjacent lot and create the residential section and the remainder would be the commercial section.

Mr. Tom Cahillane told the board that he has rehabbed 40 houses to date. In the carriage house they have already been permitted to change the exterior windows and the flooring that had water damage. He gestured to a site plan indicating the improvements they are looking to incorporate. The carriage house sits 4 inches off the lot line. There is a back exit with four stairs and a small overhang that would be removed. The new doorway would be located on the northwest corner of the house. They would be looking to complete the outside of the structure as soon as there is a break in the weather.

Attorney Babcock said that the petitioners are also looking to create two parcel identification numbers out of the five lots. Because these lots were established so long ago, they are very narrow and do not meet the requirements of the zoning ordinance currently. He respectfully requested the board to consider granting the Use Variance along with the Developmental Standard Variances.

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

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

Member J. Ackerman commented that he is always pleased to see when petitioners are interested in investing in their community by adding to their property. There are certainly many peculiarities with the property based on its age and history. He did not find it to be out of character with the surrounding area.

Member J. Carney was pleased with the improvement to the neighborhood. This will help an awkward situation.

Member R. Riley agreed with the other board members. He found it to be a good improvement.

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President J. Kowalski agreed with the other board members.

Member F. Owens moved to close the public hearing accept the Findings of Fact with the conditions presented. The motion would grant the Use Variance as well as the six Developmental Standard Variance requests. The motion was seconded by member J. Ackerman and passed by a roll call vote of 5 to 0.

**OLD BUSINESS- None**

**NEW BUSINESS- None**

**MISCELLANEOUS BUSINESS**

Attorney J. Paulson commented that there will be early voting in April and extended voting hours on Tuesdays and Thursdays. The conflict with the use of town hall would necessitate the April meeting being rescheduled. The use of town hall would allow for the meeting to be held on Wednesday April 22, 2020.

It was the consensus of the board to convene the April meeting on Wednesday, April 22, 2020 at 6:30 P.M.

Member J. Ackerman moved to reschedule the April meeting to Wednesday April 22, 2020 at 6:30 P.M. seconded by member J. Carney and passed by unanimous voice vote.

**ADJOURNMENT**

There being no further business before the board member R. Riley moved adjournment seconded by member J. Carney. The meeting adjourned at 7:00 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved,

J. Kowalski, President