

CHESTERTON BOARD OF ZONING APPEALS
NOVEMBER 24, 2020
6:30 P.M.
ZOOM MEETING

The ZOOM meeting was called to order at 6:38. Present were members F. Owens, J. Ackerman, R. Riley, J. Carney and president J. Kowalski. Town Engineer M. O'Dell and Town Manager B. Doyle were in attendance. Attorney J. Paulson was present as legal advisor. The pledge of allegiance was recited.

APPROVAL OF MINUTES

Member R. Riley moved approval of the minutes from October 22, 2020 seconded by member J. Ackerman and passed by a unanimous roll call vote of 5 to 0.

PRELIMINARY HEARINGS- None

PUBLIC HEARINGS

It was noted that town Engineer M. O'Dell was joining the Zoom Meeting from Chesterton Town Hall located at 726 Broadway, Chesterton Indiana. He was available for any member of the public who might wish to speak in support or opposition to the petitions presented this evening for public hearing.

Shaun Connelly and Kimberly Connelly (Continued from October 22, 2020) requesting a variance to exceed the 30 percent lot coverage by 9 percent for a total of 39 percent.

Petition 20-18 Rules for conducting a public hearing were read aloud. The secretary verified notification, proof of publication and payment. Mr. Connelly told the board he is interested in installing a patio around the inground pool they will be installing. He respectfully requested the boards approval.

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

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 clarified that the petitioner could obtain their building permit upon the board's approval. Additionally, he would need to obtain a building permit to install a fence.

Mr. Connelly was in agreement.

Attorney J. Paulson found the petition to be in order.

Member F. Owens wondered if the property owner had proper drainage surrounding his home.

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Member F. Owens was in agreement with the board. It will look great.

Member R. Riley commented that the pictures included in the petition were very helpful. He looked forward to greeting his neighbor on the porch.

Member R. Riley moved to close the public hearing grant the requested variances and accept the Findings of Fact. The motion was seconded by member J. Ackerman and passed by a unanimous roll call vote of 5 to 0.

John Doyle/Doyle Signs, Inc. as agent for Mark Hoffman/Us Realty 87 Chesterton Associates, LP requesting a variance to increase the total square footage of gross surface area of all combined signs to 405 square feet where the Ordinance permits 120 square feet, a variance of 285 square feet. A second variance seeking to construct a monument sign at a height of 11 feet 2 inches where the Ordinance permits an 8-foot monument sign a variance of 3 feet 2 inches. A third variance seeking to construct a second monument sign at a height of 11 feet 2 inches where the Ordinance permits an 8-foot monument sign, a variance of 3 feet 2 inches. A fourth variance is requested to permit a temporary sign measuring 64 square feet during construction where the Ordinance permits 32 square feet, a variance of 32 square feet. A fifth variance is requested to permit a temporary sign for thirty days after construction, measuring seven feet (7') in height with a total surface area of 64 square feet where the Ordinance permits a sign six feet (6') in height and 24 square feet in surface area, a variance of one foot (1') in height and 40 square feet in surface area. A sixth variance is requested to permit a second temporary sign for thirty days after construction, wall-mounted and measuring 32 square feet, where the Ordinance does not permit wall-mounted temporary signs and only permits temporary signs of 24 square feet, a variance of 8 square feet. A seventh variance is requested to permit a third temporary sign for thirty days after construction, wall-mounted and measuring 32 square feet, where the Ordinance does not permit wall-mounted temporary signs and only permits temporary signs of 24 square feet, a variance of 8 square feet. **Petition 20-20** The secretary verified notification, proof of publication. Secretary G. Murawski told the board the Chesterton Tribune had not forwarded an invoice to Doyle Signs for payment of the publication. It was understood that the boards approval would be contingent upon receipt of payment to the newspaper.

Mr. John Doyle owner of Doyle Signs Inc. was present. Mr. Hoffman of US Realty 87 Chesterton Associates, LP was also present via Zoom. Mr. Doyle cited the unique location shape and large size of the parcel as the need for additional signage. He noted that the Aldi building would be setback 400 feet from Indian Boundary Road, 302 feet from Council Drive and 166 feet from SR49 on a 7 1/2-acre lot. Each elevation faces a public right of way. The Wendy's and Speedway gas station are located on the Northwest and Northeast corners of the frontage, presenting an obstacle to a clear view of the proposed Aldi store. The increase height request for the monument signs will provide a clear marked entrance to the property. There will be three entrances to the property the two monument signs would be located on Indian Boundary Road and Council Drive. The signs

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will provide clear visibility for future tenant logos. The temporary signage once again will provide safe visibility from all public right of ways. Additionally, the temporary signage will make patrons aware of the safe shopping options they offer which is increasingly important during this time of the Covid-19 Pandemic. He felt that the sign package was tasteful and proportionate to the overall size of the building.

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

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 commented that the Findings of Fact state that we use an unusual standard of counting each space of a multi-sided sign. The Ordinance does make sense in observing each of the two signs is double sided and should be counted as square footage. The Aldi store does have frontage on three sides but the third road is a dead-end street that does not go through. It was speculated that it will not have excessive traffic volume.

Attorney J. Paulson commented that their office and M. O'Dell worked closely with Aldi to make sure they requested all the variances they needed. She found the Findings of Fact to be legally sufficient.

Member F. Owens said he didn't feel the signage was excessive for this size lot. He didn't have an issue with the second monument sign. He was unsure how visible or necessary it might be.

Member J. Ackerman commented that it's a lot of signage square footage but if there's any lot or location in town where extra signage would be helpful and appropriate this is it. The signage package is tasteful. He didn't have a problem with the second monument sign because of the parcel size.

Member J. Carney was in agreement with his fellow board members. The size of the parcel and location did warrant the proposed signage package. He welcomed Aldi to Chesterton.

Member R. Riley said he didn't feel a second monument sign is necessary at this time. However, it will not have a negative impact and may potentially improve traffic flow. If there were tenants in place there would be no question at all. He could see it being more cost effective installing the sign at the front end of the project.

President J. Kowalski ask for clarification as to the owner of the monument signs.

Mr. Mark Hoffman of US Realty 87 Chesterton Associates, LP clarified that Aldi is in a lease agreement for the 20,000 square foot building. They are contemplating two additional tenants for

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the property. They are anticipating the future need for the additional space on the monument signs. US Realty 87 would own the sign and add any additional placards necessary for tenant identification. He felt that in inclement weather conditions it's always safer and helpful to have clear marked entrances into a site. The signage would only be available to any future tenant.

Attorney J. Paulson advised the board that they could approve the variance requests and Findings of Fact as a package, or they could make a decision on each individual variance request.

It was the general consensus of the board to consider Petition 20-20 as a sign package with seven variance requests.

Member J. Carney moved to close the public hearing, grant the seven variance requests and accept the Findings of Fact as presented. The motion was seconded by member R. Riley and passed by a unanimous roll call vote of 5 to 0.

It was the general consensus of the board, secretary and Town Engineer M. O'Dell that the three public hearings of November 24, 2020 conducted via Zoom call would be available for members of the board to sign at the Building Department located on 15th Street on Monday, November 28, 2020.

OLD BUSINESS- None

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NEW BUSINESS- None

MISCELLANEOUS BUSINESS

It was the general consensus of the board that the December meeting would convene on Tuesday, December 22, 2020 at 6:30 P.M. Pending government mandate, the meeting would convene via Zoom call.

Member R. Riley moved to convene the December BZA meeting on Tuesday December 22, 2020 at 6:30 P.M. The motion was seconded by member J. Carney and passed by unanimous roll call vote of 5 to 0.

ADJOURNMENT

There being no further business before the board member R. Riley moved adjournment. The motion was seconded by member J. Carney and passed by a unanimous roll call vote of 5 to 0. The Zoom meeting adjourned at 7:24 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

J. Kowalski, President