

CHESTERTON BOARD OF ZONING APPEALS
JANUARY 28, 2021
6:30 p.m.
(Zoom Meeting)

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

ELECTION OF OFFICERS

Member R. Riley moved to retain J. Kowalski as president of the BZA seconded by member J. Carney and passed by a roll call vote of 4 to 0.

Member F. Owens moved to retain R. Riley as vice president of the BZA seconded by member J. Ackerman and passed by a roll call vote of 4 to 0.

Member R. Riley moved to retain G. Murawski as secretary for the BZA seconded by member J. Carney and passed by a unanimous roll call vote of 5 to 0.

APPROVAL OF MINUTES

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

PRELIMINARY HEARINGS

Mark Markovich, Mark I Construction 506 E- To increase Lot coverage from 30 percent to 40 percent. A second variance is requested to reduce each side yard setback to be reduced by 1-foot. **Petition 20-21** Mr. Markovich was present on the zoom call. He told the board they had purchased the lot last year with the intention of building a duplex. He believes the construction of the proposed duplex will bring value to the surrounding neighborhood. They would be looking to reduce a side yard setback from 8 feet to 7 feet and increase the percentage of lot coverage from 30 percent to 40 percent. Additionally, they reduced the size of the driveway. A revised site plan was included with the amended petition as well as a list of property owners within 300 feet.

Attorney J. Paulson requested the petitioner to clarify the variance request a little more. She noted that the Findings of Fact had not been completed. She requested the petitioner to submit factual support as to why the variances were being requested. Findings of Fact are the legal standards in the state of Indiana the board will adopt in order to grant a variance request.

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Town Engineer M. O'Dell requested that the site plan show the sidewalk. He requested that a condition be added which would have the petitioner tie his downspouts to the inlet in the front of the of the property.

Attorney J. Paulson suggested that tying in the downspouts be included as a condition of the variance.

Member J. Ackerman commented that this is a good project that will bring value to the neighborhood but Findings of Fact and including a condition of the variance need to be addressed.

Member F. Owens said without the Findings of Fact there is not much to comment on.

Member J. Carney commented that he was hesitant to set this for a public hearing because of the absence of Findings of Fact.

Member R. Riley noted that it is the petitioner's responsibility to have the Findings of Fact complete by the public hearing.

President J. Kowalski indicated the date for receiving the amended petition would be February 8, 2021.

Further discussion with Mr. Markovich indicated that the petitioner would not be returning to town until February 11, 2021. He found no issue with pushing the public hearing out until the March meeting. He said he would be fine to have new documentation in for a continued preliminary hearing in February and convene the public hearing in March.

It was the general consensus of the board to continue to the preliminary meeting until February. It was further clarified that the petitioner would have Findings of Fact drafted for the meeting even if they could not be submitted by February 8, 2021.

Member R. Riley moved to continue the preliminary hearing until the February 25, 2021 meeting seconded by member J. Ackerman and passed by a unanimous roll call vote of 5 to 0.

PUBLIC HEARINGS- None

OLD BUSINESS- None

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NEW BUSINESS

President J. Kowalski suggested that the board consider taking a look at the paperwork the petitioner is asked to submit. He suggested authorizing Attorney J. Paulson to clean up and edit the language so it is better understood by those wishing to petition the board for a variance.

Attorney J. Paulson said she would be happy to make some suggestions for changes that might make things a little bit clearer for the petitioner.

Member R. Riley moved to have Attorney Paulson review the forms we use and make suggested changes for the boards review. The motion was seconded by member J. Carney and passed by a unanimous roll call vote of 5 to 0.

Member R. Riley suggested the site address be located on the first page of the petition for easier access and viewing.

There was some additional discussion about publishing notices. Since the Chesterton Tribune halted printing its newspaper, publications and notices would most likely appear in The Times newspaper. Town Attorney's along with members of staff would look into rate charges for both private parties and municipalities.

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board member F. Owens moved adjournment seconded by member R. Riley and passed by a unanimous roll call vote of 5 to 0. The meeting adjourned at 7:03 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved;

J. Kowalski, President