

**CHESTERTON BOARD OF ZONING APPEALS**  
**JUNE 24, 2021**  
**6:30 P.M.**

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

A moment of silence was observed in honor of Attorney Terry Hiestand.

**APPROVAL OF MINUTES**

Member J. Ackerman moved approval of the minutes from April 22, 2021, May 27, 2021 seconded by member F. Owens and passed by unanimous voice vote.

**PRELIMINARY HEARINGS**

**William C. Bennett and Rita F. Bennett** requesting a variance to increase lot coverage from 30 percent to 40 percent therefore a variance of 15 percent. **Petition 21-06** This petition had been presented in May with Attorney T. Hiestand as the legal representative. The petitioner respectfully requested to continue this item until the July 22, 2021 meeting.

Member J. Carney moved to continue this item until the July 22, 2021 meeting seconded by member J. Ackerman and passed by unanimous voice vote.

**AARQ Properties, LLC/ Sweet Stitches Quilt Shop, LLC, Robert and Joan Crookston**

Requesting a variance from the requirement limits of 120 square feet of signage and to allow the use of existing monument sign and existing building sign totaling 225.04 square feet.

**Petition 21-08** Mr. and Mrs. Crookston were present. Mr. Crookston told the board they had recently moved their business to the 1575 S. Calumet Rd. location. It is their intention to utilize the existing monument sign enhance it and use it to promote their business.

Town Engineer M. O'Dell clarified that the existing sign is not a monument sign it is a freestanding sign. The petitioner would need to request a variance to increase the total signage square footage by 105 square feet. Furthermore, a second variance would be necessary to increase square footage for a freestanding sign from 120 sq. ft. to 192 sq. ft. therefore a variance of 72 sq. feet.

Attorney J. Paulson instructed the petitioner to complete two sets of Findings of Fact, one for each variance requested.

Member J. Ackerman moved to set Petition 21-08 for public hearing at the July 22, 2021 meeting seconded by member J. Carney and passed by a unanimous roll call vote of 4 to 0.

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**PUBLIC HEARINGS**

**Robert J. and Alexandra Jeka** requesting a developmental standard variance to allow a 6-foot privacy fence adjacent to Burlwood Drive where the Ordinance only allows a 4.5-foot fence, therefore a variance of 1.5-feet. The fence will be located approximately 10 feet off the property line (adjacent to the existing sidewalk) **Petition 21-05** Rules for a public hearing were read aloud. The secretary verified proof of publication, notification and payment. Mr. and Mrs. Jeka were both present. Mr. Jeka told the board he wanted to install the fence to contain his dog and provide privacy. He respectfully requested the board to consider granting the variance request.

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

It was the general consensus of the board that the variance request would not have any adverse effect on the surrounding property.

Member J. Ackerman moved to close the public hearing, accept the Findings of Fact and grant the variance request for Petition 21-05, seconded by member J. Carney and passed by a unanimous roll call vote of 4 to 0.

**Fox Chase Development, LLC** requesting a developmental standard variance to increase lot coverage from 30 percent to 45 percent therefore, an increase of 15 percent. **Petition 21-07** This petition had been presented in May with Attorney T. Hiestand as the legal representative. The petitioner respectfully requested to continue this item until the July 22, 2021 meeting.

Attorney J. Paulson clarified that as a matter of record notice did go to the newspaper on this item. She advised the board to solicit for any persons wishing to speak in support or against the petition.

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

Member F. Owens moved to continue the public hearing for this item until the July 22, 2021 meeting seconded by member J. Carney and passed by unanimous voice vote.

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Mr. Markovich said no the parking would remain the same but the structure would be smaller. He would more likely build a two-bedroom duplex rather than a three-bedroom. A two-bedroom duplex would rent of less than a three bedroom. The market is changing and the cost of construction has exploded. You will see far more renters in the day and years ahead and they will be long term-renters. He said he has no plans to sell the duplex. He hopes to offer renters an option to homeownership. He maintains and repairs his own properties.

Member F. Owens said he sympathizes with the remonstrators but you can build a duplex on that property. A duplex that brings value to the area is more desirable.

Member J. Carney believed a smaller duplex would negatively impact the neighborhood. The 10 percent increase in lot coverage in not much different but believed the difference in a two-bedroom rental and a three bedroom-rental would adversely impact the neighborhood.

Member R. Riley was in agreement with fellow board members.

Member F. Owens moved to close the public hearing accept the Findings of Fact and grant the variance requests contingent upon tying the downspouts into the storm sewer. Attorney J. Paulson read the condition as follows, all down spouts on the structure will be tied into the storm drain located in front of the property. The motion was seconded by member J. Carney and passed by a unanimous roll call vote of 4 to 0.

**OLD BUSINESS-** Review suggested changes to clarify language contained in the Chesterton Board of Zoning Appeals petition process.

Members of the board requested a few minor additions/changes to the proposed draft. There was additional conversation about defining the use of the word "Hardship" in the petition. In the end Attorney Paulson said she would look into a clearer description of the word but did not want to over elaborate on what could be considered legal advice. Members of the board were in agreement. Attorney Paulson agreed to revisit the drafted petition form and present a revised copy for review at the July meeting.

Town Engineer M. O'Dell said he is always willing to help by giving petitioners examples.

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**NEW BUSINESS- None**

**MISCELLANEOUS BUSINESS- None**

**ADJOURNMENT**

There being no further business before the board member F. Owens moved adjournment seconded by member J. Ackerman. The meeting adjourned at 7:15 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved;