

CHESTERTON BOARD OF ZONING APPEALS
NOVEMBER 25, 2014
6:30 P.M.

The meeting was called to order at 6:30 P.M. Present were members T. Browne, F. Owens, J. Kowalski and S. Niepokoj. Town Engineer M. O'Dell was in attendance. Attorney J. Paulson was present as legal advisor. Member R. Corder was absent. Vice-President S. Niepokoj chaired the meeting. The pledge of allegiance was recited.

APPROVAL OF MINUTES

Member J. Kowalski moved approval of the minutes from October 23, 2014 seconded by member T. Browne and passed by unanimous voice vote.

PRELIMINARY HEARINGS

Wake Robin, Inc., an Indiana Corporation requesting a Use Variance to operate a natural stone (granite, marble and quartz) cutting and fabricating business with a showroom.

Petition 14-08 Attorney G. Babcock was present as legal representation for the petitioner. He was accompanied by Patrick and Tammy Poland of HP Construction Services, Inc. They have entered into a contract to buy the remaining three buildings of Pioneer Lumber. The Poland's have a construction business but they also have HP Granite. HP Granite purchases natural stone in slab form then cuts and polishes to specifications used for countertops and vanities. The buildings would provide enough space for a showroom, machinery and storage area. The parcel is Zoned B-3. It was determined by Attorney Paulson the description of uses within that zone didn't fit the lumberyard use. He respectfully requested the board to consider setting this item for public hearing at the December meeting and added that they would also be in front of the Chesterton Plan Commission for plattage of property because the portion of property being purchased is just a piece of a piece. He wondered when the December meeting would convene.

Attorney J. Paulson said all legal was in order. A revised power of attorney had been received.

Town Engineer M. O'Dell said other than the plattage of property there were no issues.

There was some additional conversation regarding setback issues. Attorney G. Babcock requested the option to speak with engineering and determine if it's necessary to also obtain a side yard setback. If necessary the petition could be amended.

Attorney J. Paulson said she had no issue with an amended petition as long as appropriate notices are given.

Member T. Browne moved to set this item for public hearing on December 29, 2014 seconded by member J. Kowalski and passed by unanimous voice vote.

Petitioners would have until December 12, 2014 to submit revised documentation.

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At this time, members of the board discussed a December meeting date as the regularly scheduled meeting would fall on the Christmas holiday. Attorney J. Paulson advised the board that the Monday following Christmas, December 29th. Town hall would be available. Tuesday December 23rd was also an option.

Member T. Browne moved to convene the December meeting on Monday, December 29, 2014 at 6:30 P.M. seconded by member J. Kowalski and passed by unanimous voice vote.

Andrew H. Gatewood and Dawn K. Gatewood requesting a variance to operate a full service Plumbing business including a showroom. **Petition 14-09** Attorney G. Babcock was present as representation for the petitioner. Brian Bartoszek of Trapmasters Plumbing, LLC. accompanied him. In 2011 the BZA granted a use variance for a motorcycle/auto repair shop and uses listed under an automotive description. Since that time the motorcycle/auto repair business has vacated the building. The Gatewood's now have an opportunity to sell the property but a variance is required to operate the plumbing business. Trapmasters Plumbing has been in business in our community for 10 years and this new location would allow Brian's business to grow. The property is Zoned R-3. Attorney Babcock asked members of the board to consider waiving submittal rules as his petition was late. He respectfully requested the board to consider setting this item for public hearing at the December meeting.

Town Engineer M. O'Dell said they might want to consider revising the petition to include heating giving the owner more flexibility if he decides to sell the space.

Member J. Kowalski agreed with Attorney Babcock that this properties location lends itself better to a business use. There was some discussion about rezoning this property in the future.

Member F. Owens moved to waive the rules for the submittal deadline and set this item for public hearing at the December 29, 2014 meeting seconded by member J. Kowalski and passed by unanimous voice vote.

PUBLIC HEARINGS

Christopher S. Cichocki and Sarah E. Cuevas-Cichocki requesting a variance to increase the height of a fence from 4.5 feet to 6 feet, along the south property line, therefore an increase of 1.5 feet. **Petition 14-07** Rules for conducting a public hearing were read aloud. Mr. Cichocki apologized for not being in attendance at the October meeting he had a business emergency. He presented the receipts for 4 property owners within 300 feet that had not been notified back in September. He also had proof of payment for his legal notice.

Attorney J. Paulson said she had never received acceptable revised Findings of Fact for this petition. She explained to the petitioner that what was written did not meet the legal requirements for Findings of Fact in order to grant a variance.

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Town Engineer M. O'Dell said they had gone out to the property and inspected the fence. There are no issues and he has met his setback requirements.

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.

It was the general consensus of the board that they would question the petitioner to better understand his burden of proof.

It was determined that the fence is already installed with no complaints from neighbors. The petitioner has increased the height of the fence to six feet in a section that will not interfere with lines of sight. The fence would not obstruct any public any roadways, walkways or views. The fence would enhance the neighborhood. The fence was installed to ensure the safety of his children and pets.

Member T. Browne moved to close the public hearing accept the Findings of Fact and grant the variance request seconded by member J. Kowalski and passed by unanimous voice vote of 4 to 0.

OLD BUSINESS- None

NEW BUSINESS- None

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MISCELLANEOUS BUSINESS- December Meeting Date (Christmas)

Monday December 29, 2014 at 6:30 P.M. See motion above.

ADJOURNMENT

There being no further business before the board member T. Browne moved adjournment seconded by member F. Owens and passed by unanimous voice vote. The meeting adjourned at 7:00 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

President