

CHESTERTON BOARD OF ZONING APPEALS
APRIL 28, 2022,
6:30 P.M.

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

APPROVAL OF MINUTES

Member R. Riley moved approval of the minutes from March 24, 2022 seconded by member J. Ackerman and passed by unanimous voice vote.

PRELIMINARY HEARINGS

William and Lisa Burke requesting a variance from the Ordinance to reduce a front yard setback from 25 feet to 15 feet, a reduction of 10 feet. **Petition 22-06** Mr. and Mrs. Burke were present. Mr. Burke told the board they are looking to tear down the existing structures. It is currently a non-conforming structure with neighboring non-conforming residential homes. When the new home is constructed, they would like to set it at the same front yard setback as the surrounding neighbors.

Town Engineer M. O'Dell requested a site plan depicting placement of the new construction. He told the petitioners they will need a second variance for a rear yard setback because they are attaching the newly constructed home to the existing garage.

There was some confusion as to if the house would be addressed as 4th Street or Morgan Avenue. It was clarified the home would be addressed as 401 W. Morgan.

The secretary verified that there would be an amended petition with a variance request for a rear yard setback. The amended petition would be required by May 9, 2022.

Member J. Ackerman moved to set this item for public hearing at the May 26, 2022 meeting seconded by member R. Riley and passed by unanimous voice vote

Bennett's Rentals LLC requesting a variance to reduce a rear yard setback from 25 feet to 10 feet, a reduction of 15 feet. **Petition 22-07** Attorney D. Hiestand was present as representation for the petitioner. He told the board the property is located at the corner of 20th Street and Morgan Avenue. The petitioner is looking to construct a duplex on this infill parcel of land, which is pie shaped. The unique shape of the R-2 Zoned parcel necessitates the request for this variance. He respectfully requested the board to consider setting this item for public hearing at the May 26, 2022 meeting.

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Town Engineer M. O'Dell requested an updated drawing for the petition. He suggested that the petitioner verify if a side yard setback might be necessary. He understood the alley had been vacated and the petitioner is using that footage but they may not have allowed for the overhang on the home. The resubmittal would be required by May 9, 2022.

Member J. Ackerman requested a picture of the proposed duplex.

Member R. Riley moved to set this item for public hearing at the May 26, 2022 meeting seconded by member J. Ackerman

Gilbert Sanchez and Martha Rios-Sanchez requesting a variance to increase lot coverage from 30 percent to 34 percent, therefore a variance of 4 percent. **Petition 22-08**

Gilbert Sanchez and Martha Rios-Sanchez requesting a variance to reduce a front yard setback from 25 feet to 17 feet, therefore a variance of 8 feet. The existing house has 18.2 feet of a front yard setback. **Petition 22-09**

The secretary questioned if this was submitted as one petition or two petitions. It was clarified this would be one petition with two variance requests. The petition would be known as Petition 22-08.

Mrs. Rios-Sanchez was present. She told the board they recently purchased their beautiful old home and would like to preserve its historical beauty. The master bedroom is on the main floor and currently does not allow the door to swing freely. They are interested in expanding the footprint of the master bedroom and bath by 5 feet. There are two additional bedrooms but they are located upstairs. They are interested in keeping their main living area to the downstairs as they age. She respectfully requested the board to consider setting this item for public hearing at the May 26, 2022 meeting.

Town Engineer M. O'Dell said he has been working with Mr. Sanchez on the variance requests. He noted there is a concrete pad that factors into the coverage increase.

Attorney J. Paulson suggested the petitioner strengthen the Findings of Fact.

Member J. Ackerman moved to set Petition 22-08 for public hearing at the May 26, 2022 meeting seconded by member R. Riley and passed by unanimous voice vote.

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PUBLIC HEARINGS

First Baptist Church of Chesterton a/k/a/ Open Bible Church requesting a variance to construct a dynamic two-sided monument sign 6 feet by 4 feet, having a gross surface area of 48 square feet, with an existing single sided sign 2 feet by 12 feet, having a gross surface area of 24 square feet, the site having a total of 72 square feet, where the Ordinance allows 45 square feet, therefore, a variance of 27 square feet. A second variance is requested to construct a dynamic two-sided monument sign to be placed 5 feet from the property line where the Ordinance requires placement of 10 feet from the property line, therefore a variance of 5 feet from the property line. **Petition 22-01** Rules for conducting a public hearing were read aloud. The secretary verified proof of publication, notification and payment. Attorney G. Babcock was present as representation for the petitioner. He was accompanied by Pastor Larry Starett of Open Bible Church. The church is located at the corner of 14th Street and Porter Avenue since 1954. The church is looking to take down the current manual sign and install a two-sided dynamic sign. They are interested in retaining the sign on the church side "Open Bible Church." An updated survey indicated that the church property line lies 17 feet from the edge of the road pavement which would put the sign at 5 feet of the lot line. He noted that the distance from the paved Porter Ave. that's driven on to where the sign would be installed on the property is about 22 feet in distance. The following conditions would be imposed: 1. That the wall mounted sign on the North side of the Church building would be removed. 2. That the sign will only advertise Church activities as well as general community events. 3. The Surveyor Location Report, will show the location of the sign, (Exhibit A) in the petition file. The church will have the ability to control the sign.

Pastor Starett has been the pastor at Open Bible Church for the past 19 years. The church was founded in 1956. He told the board the purpose in erecting this sign is to have the ability to inform the community of what's happening at the church and to inform everybody of community related activities. This is an investment of \$20,000.00 for the church. The board of elders feels that this is the safest and most visible location for the sign.

Attorney G. Babcock called attention to a depiction of the proposed sign and noted that a sign up to 45 square feet and or a dynamic sign are permitted in their zone. He submitted into the file a letter from the sign company. The company which specializes in church signs felt confident they could adhere to our additional town standards regarding timing and lumines. He respectfully requested the board to consider accepting the Findings of Fact and granting the variances requested.

A letter in support of the petition was submitted from Shawn Woodard of Chesterton.

Mr. Larry Tuthill of 1414 W. Porter Ave., Chesterton was present to speak in support of the petition.

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

Member R. Riley moved to close the public hearing Accept the Findings of Fact as presented including the conditions imposed and grant the variances requested seconded by member J. Ackerman. The motion passed by a unanimous roll call vote of 3 to 0.

OLD BUSINESS- None

NEW BUSINESS- None

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board member R. Riley moved adjournment seconded by member J. Ackerman and passed by unanimous voice vote. The meeting adjourned at 7:23 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved,

J. Kowalski, President