

CHESTERTON BOARD OF ZONING APPEALS
JANUARY24, 2019
6:30 P.M.

The meeting was called to order at 6:30 P.M. Present were members J. Kowalski, F. Owens, J. Ackerman, R. Corder and president R. Riley. Town Engineer M. O'Dell was in attendance. Attorney J. Paulson and C. Nolan were present as legal advisors. The pledge of allegiance was recited.

ELECTION OF OFFICERS

J. Ackerman nominated R. Riley for president seconded by member K. Kowalski and passed by unanimous voice vote.

J. Kowalski nominated J. Ackerman for vice president seconded by member R. Corder and passed by unanimous voice vote.

Member J. Ackerman moved to reappoint G. Murawski as secretary seconded by J. Kowalski and passed by unanimous voice vote.

APPROVAL OF MINUTES

Member J. Kowalski moved to approve the minutes from December 27, 2018 seconded by member J. Ackerman and passed by unanimous voice vote.

PRELIMINARY HEARINGS

BenLew Enterprises, LLC. Requesting a Use Variance to allow residential use in B-2 Zoning for third floor only. **Petition 18-12** (continued from Dec. 27, 2018) Mr. Brian Lewandowski and Mr. Brandon Bennett of BenLew Enterprises, LLC. were present. He told the board they would like to move forward with their request to utilize the third floor of 442 North Calumet Road for residential use. He distributed a site plan depicting the third-floor layout. The site plan indicated there would be one studio apartment along with three one-bedroom apartments.

Town Engineer M. O'Dell urged the petitioners to get with the fire chief to determine the needs for rental safety. The plan for exiting and entering the building in case of emergency could determine the total number of allowable units to be located on the third floor.

Attorney J. Paulson suggested the petitioners to strengthen their Findings of Fact.

Town Engineer M. O'Dell said he would like to see the preliminary hearing continued until the necessary meetings take place and the requirements can be determined.

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Member J. Ackerman commented that there are potentially state statutes that need to be complied with that could result in additional variances being requested. It was in the petitioner's best interest to continue the petition.

Member J. Ackerman moved to continue Petition 18-12 until the February 28, 2019 meeting seconded by member J. Kowalski and passed by unanimous voice vote.

Estate of Keith D. Pomeroy requesting a variance allow the construction of a residential duplex in a B-2 Zone, where the Ordinance does not allow for residential use in that zone.

Petition 19-01 Attorney G. Babcock was present as legal representation for the petitioner. He told the board the property located at 126 W. Porter Avenue, Chesterton belongs to the estate of Mr. Pomeroy. The estate received an offer to purchase the property from Nancy and Spencer Sutton. The property would be purchased with the intention of tearing down the existing house and constructing a duplex in its place. He commented that there are many mixed uses that exist in that location and found this to be a good addition to the neighboring properties. He respectfully requested to set this item for public hearing at the February 28, 2019 meeting.

Member F. Owens suggested that the lot was a good size lot which could easily accommodate a nice home.

Attorney G. Babcock commented that there are many 2- and 3-unit residential uses in that neighborhood. The duplex would have attached garages. Mr. Spencer Sutton was also interested in residing in one of the units.

Town Engineer M. O'Dell requested to see a plat of survey. He requested that street parked vehicles do not block the sidewalk.

Member J. Kowalski moved to set this item for public hearing at the February 28, 2019 meeting seconded by member J. Ackerman and passed by unanimous voice vote.

Daniel P. and Erin M. Woods requesting a variance for a 5 percent increase in lot coverage for an accessory structure. **Petition 19-02** Mr. Woods was present. He was accompanied by Andrew Goodpasture. The petitioner told the board they are looking to construct a detached 16 by 16 cedar structure.

M. O'Dell told the petitioner's they would also need a variance for an accessory structure within 10 feet of a primary structure.

Attorney J. Paulson requested a copy of the deed. Findings of Fact need to be completed by the petitioner for each of the variance requested. A map of the property owners within 300 is required as well as notice given to the surrounding residence 14 days prior to the public hearing.

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Member J. Ackerman moved to set this item for public hearing at the February 28, 2019 seconded by member F. Owens and passed by unanimous voice vote.

PUBLIC HEARINGS- None

OLD BUSINESS- None

NEW BUSINESS- None

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board member J. Ackerman 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;

R. Riley, President

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