

**CHESTERTON BOARD OF ZONING APPEALS**  
**OCTOBER 24, 2019**  
**6:30 p.m.**

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

It was the general consensus of the board that the November meeting would convene on Tuesday November 26, 2019 at 6:30 P.M. rather than on Thursday November 28, 2019 the Thanksgiving holiday. Member J. Ackerman made this motion which was seconded by member J. Kowalski and passed by unanimous voice vote.

It was the general consensus of the board that the December meeting would convene on Monday December 30, 2019 at 6:30 P.M. rather than on Thursday December 26, 2019. Member J. Ackerman made this motion which was seconded by member K. Goldak and passed by unanimous voice vote.

#### **APPROVAL OF MINUTES**

Member K. Goldak moved approval of the minutes from September 26, 2019 seconded by member J. Ackerman and passed by unanimous voice vote.

#### **PRELIMINARY HEARINGS**

**Bennett's Rentals LLC** requesting a variance to increase lot coverage from 30 percent to 50 percent. A second variance is requested to waive the sidewalk requirement. **Petition 19-15** Attorney T. Hiestand was present as representation for the petitioner. He told the board the Bennett's often times come before the board with infill projects in town. This particular project is proposed to be a duplex. It could be a two-story duplex and not violate the lot coverage requirements. The Bennett's wanted this duplex to be single story construction to keep in the character of the surrounding neighborhood and also to appeal to a senior end user. He noted that there are currently no sidewalks in the neighborhood and requested to waive the requirement to install a sidewalk. He respectfully requested the board to consider setting this item for public hearing.

Attorney J. Paulson asked what the zoning was for this parcel. Attorney Hiestand said B-3. Attorney Paulson said they would also require a Use Variance since a residential use is not permitted in a B-3 Zone.

Town Engineer M. O'Dell commented that the drainage is poor in that area and they will need to work with the petitioner on directing downspouts.

Attorney J. Paulson said they would need to provide an amended petition to include a Use Variance. Furthermore, Findings of Fact would be submitted for each variance request.

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Member K. Goldak questioned if there was some way to have the petitioner be held accountable for their portion of a sidewalk if the neighborhood was ever to install sidewalks.

Town Engineer M. O'Dell said in some area's sidewalks work. He doubted if sidewalks would ever be a good addition in this area. There would not be much square footage for sidewalk installation after driveways are installed. Parking availability in that area is also a factor.

Town Engineer M. O'Dell noted that the front yard setback in a B-3 Zone is 30 feet. A side yard setback is also 10 feet. This further raised the question that additional variances may be required in the B-3 Zone. He suggested they check to make sure the patio was included in the lot coverage calculations.

Attorney Paulson told the petitioner that any additional information would be required by Friday November 8, 2019.

Member J. Ackerman moved to set this item for public hearing at the Tuesday, November 26, 2019 meeting seconded by member K. Goldak and passed by unanimous voice vote.

**Jeffrey and Wendy Knarian** requesting a variance to increase lot coverage equal to 44-percent while the town code only allows 30 percent, therefore a variance of 14 percent. **Petition 19-16** Attorney J. Paulson called attention to the fact that Petition 19-16 was submitted late.

Member K. Goldak moved to waive the rules for submittal seconded by member J. Ackerman and passed by unanimous voice vote.

Mr. and Mrs. Knarian were present. Mr. Knarian told the board they are situated in the "knuckle" of Union Court. They are interested in installing a concrete pad next to their home to provide additional parking. They are currently unable to park vehicles in the road because the mail can not be delivered. They are also looking to be good neighbors and not obstruct the tight area with cars. They respectfully requested the board to consider setting this item for a public hearing. They submitted a site plan indicating where the new concrete would be poured.

Town Engineer M. O'Dell said they had already started pouring a new patio before they realized there is a lot coverage issue. Work on the concrete has stopped until they obtain their variance. He made the board aware that there is a long standing shed that encroaches on a NIPSCO easement. Petitioners would need to secure a release from NIPSCO prior to the public hearing.

There was some additional conversation about an RV and trailer that is currently parked on a gravel pad. Neighbors would like to see the gravel eliminated and concrete poured.

Town Engineer M. O'Dell said he would like to see a drain tile installed for water runoff.

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The petitioners agreed to installing a French drain. A condition would be added to the petition requiring the drain tile.

Member J. Kowalski moved to set this item for public hearing at the Tuesday November 26, 2019 meeting seconded by member J. Ackerman and passed by unanimous voice vote.

**PUBLIC HEARINGS**

**John Olsen** requesting a 6-foot fence 1-foot from the property line (Alley r/w) where the town code requires a 5-foot distance therefore a variance of 4-feet. **Petition 19-14** The secretary verified proof of publication and notification. She told the board the petitioner had not received his billing from the Chesterton Tribune. Receipt of the building permit if the variance is approved would require a copy of the payment receipt from the newspaper.

Members of the board had no issues with 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.

Member K. Goldak asked for some clarification on the placement of the fence. She had no issues with its placement.

Member J. Ackerman moved to close the public hearing accept the Findings of Fact and grant the variance request contingent upon the petitioner submitting a receipt of payment from the Chesterton Tribune seconded by member K. Goldak and passed by unanimous voice vote.

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**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 J. Kowalski and passed by unanimous voice vote. The meeting adjourned at 7:15 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

R. Riley, President