

**CHESTERTON BOARD OF ZONING APPEALS**  
**MAY 28, 2020**  
**6:30 P.M.**

The meeting was called to order at 6:30 P.M. Present were members F. Owens, J. Ackerman, R. Riley, J. Carney and president J. Kowalski. Town Engineer M. O'Dell was in attendance. Attorney C. Parkinson was present as legal advisor. The pledge of allegiance was recited. The meeting convened at the Chesterton Fire Department due to early voting. Social distancing guidelines were followed due to Covid-19.

**APPROVAL OF MINUTES**

Member R. Riley moved approval of the corrected minutes from April 23, 2020 seconded by member J. Ackerman and passed by unanimous voice vote. The secretary would make the necessary minor correction.

**PRELIMINARY HEARINGS**

**Peter and Karen St Mary** requesting a variance to increase lot coverage. **Petition 20-08**

Mr. St Mary was present. He told the board he is interested in installing a patio on the backside of their duplex. Additionally, upon further consideration he would be interested in constructing an 80 square foot shed.

Town Engineer M. O'Dell suggested that with the addition of the shed the petitioner would need to amend the petition. His request to increase lot coverage from 30 percent to 32 percent therefore a variance of 2 percent would be required to install the patio and shed.

Attorney C. Parkinson suggested the petitioner notify surrounding neighbors with a clear variance request and submit Findings of Fact.

The secretary informed the petitioner that all documentation to amend and complete the petition would be due by June 8, 2020.

Member R. Riley moved to set this item for public hearing at the June 25, 2020 meeting contingent upon receipt of the requested documentation seconded by member J. Ackerman and passed by unanimous roll call vote of 5 to 0.

**Ronald J. and Jordana S. Zachara** requesting a variance to increase lot coverage from 30 percent to 36 percent. **Petition 20-09** Mr. Zachara was present. He is interested in installing a pool with additional concrete surround. The pool would be installed 15 feet from the rear yard lot line to compensate for an existing utility easement.

Attorney C. Parkinson suggested the petitioner indicate that this is a 6 percent increase in lot coverage.

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Member J. Carney moved to set this item for public hearing at the June 25, 2020 meeting seconded by member F. Owens and passed by a unanimous roll call vote of 5 to 0.

Member R. Riley moved to forgo reading the twelve variance requests for Petition 20-10 seconded by member F. Owens and passed by unanimous voice vote.

**BenLew Enterprises, LLC. Brian Lewandowski and Brandon Bennett** requesting for Parcel A: a variance to allow an R-1 residential use in a B-2 Zone. A second variance is requested to allow a reduction of a front yard setback from 25 feet to 16.95 feet, therefore a variance of 8.05 feet. A third variance is requested to reduce a side street setback from 25 feet to 20.62 feet, therefore a variance of 4.38 feet. A fourth variance is requested to reduce a side yard setback from 10 feet to 4.48 feet, therefore a reduction of 5.52 feet. A fifth variance is requested to reduce a side yard setback from 10 feet to 9.06 feet, therefore a variance of 0.94 feet. A sixth variance is requested to increase lot coverage from 40 percent to 42 percent therefore, an increase of 2 percent. A seventh variance is requested to reduce the required lot size from 9500 square feet to 5986.7 square feet therefore, a reduction of 3513.3 square feet. For Parcel B: an eighth variance is requested to allow automobile storage use which is currently being used as an office in a B-2 Zone. A ninth variance is requested to reduce a side yard setback from 8 feet to zero feet therefore, a variance of 8 feet. A tenth variance is requested to reduce a side yard setback from 8 feet to 6.48 feet therefore, a reduction of 1.52 feet. An eleventh variance is requested to reduce a rear yard setback from 10 feet to 0.43 feet therefore, a reduction of 9.57 feet. A twelfth variance is requested to increase lot coverage from 30 percent to 91 percent therefore, an increase of 59 percent. **Petition 20-10** Mr. Brian Lewandowski and Mr. Brandon Bennett were present. Mr. Lewandowski told the board that they had purchased the property located at the corner of Calumet and Porter Avenues. There is currently a residential home immediately on the corner and what was a travel agency to the rear of the house. The house currently exist as one parcel and they are looking to split the house from the commercial building. Mr. Lewandowski said everything concerning this parcel is considered non-conforming by town standards. The variance requests are based off of the site survey submitted. He referenced the house as Parcel A and the travel agency as Parcel B. He didn't think the house was ever used commercially. He felt they would clean up both lots, currently Zoned B-2 by the variance request process.

Attorney C. Parkinson commented that there is no separate legal description for Parcel A and Parcel B. Any variance requests would run with the property and the current legal description until the lot is split. He suggested splitting the lot first thereby creating a Parcel A and Parcel B. This would be an item that could be handled through the Plat Committee. Until we know what the parcel lines are this is a concept plan for Parcel A and B. It would be best to split the lots first then the variances would be attributable to each separate lot. Additionally, he expressed concern that

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the concept for the commercial portion of the property would entail “light automotive repair and storage.”

Mr. Lewandowski told the board Parcel A would remain a house. He had never known it not to be a house. Parcel B in with B-2 Zoning allows for automobile light repair. There’s also a use for a private club. The concept would allow gentlemen or ladies to rent a space and store, tinker or hang out with like-minded car enthusiasts. He said their intent is to improve the property and clean up an eyesore.

Town Engineer M. O’Dell suggested calling Parcel B storage.

Attorney C. Parkinson said he would have to discuss the concept of Parcel B, a little more with M. O’Dell. He urged the petitioner to split the lots first. Additionally, he found the petition to be seriously incomplete. He suggested continuing the preliminary hearing.

Member R. Riley commented that the setbacks will change once the parcel is split. He felt strongly that the lot should be split first. He wanted to see Finding of Fact for every variance request.

President J. Kowalski said the petition was put together very scattered. He expressed concern that this location is at the gateway to our downtown district.

Member F. Owens said that as a planner and member of the plat committee the petitioner should consider splitting the lot first. He requested a set of Findings of Fact for each variance request once the time came.

Town Engineer M. O’Dell suggested readdressing the house to Porter Avenue.

There was some additional conversation regarding the process for submitting a petition to be heard by the Plat Committee.

Member F. Owens moved to continue the preliminary hearing seconded by member J. Ackerman and passed by a unanimous roll call vote of 5 to 0.

## **PUBLIC HEARINGS**

The meeting monitor polled the parking lot for any persons wishing to speak in support or in opposition to the petition. There being no one present, the rules for conducting a public hearing were read aloud.

**Benlew Enterprises, LLC. Brian Lewandowski and Brandon Bennett** requesting a variance to allow for residential use in a B-2 Zone. **Petition 20-03** The secretary verified proof of publication, notification and payment. Mr. Lewandowski and Brandon Bennett were present. Mr. Lewandowski told the board the property is located at 762 South Calment Rd. the former location of Winey Insurance

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Agency. The home was built in the late 1800's to early 1900's. They are interested in using the property as a residence once again and had done construction work to restore the property as such. They created bedrooms equipped with smoke detectors and ingress/egress windows where needed. The neighboring properties include residential as well as some small businesses. He respectfully requested the board to consider granting the variance request.

The secretary summarized a letter received in opposition to the petition from Joanne Demmond of 134 Westchester Ave, Chesterton, IN. Her letter was in protest to any rezoning of this area. She noted it was a quiet residential area that did not need a private business enterprise to be established. A copy of the letter can be found in the petition file.

It was once again clarified by the board that this was not a petition to rezone the property. This petition allows for a single-family residential use in a B-2 Zone.

Member J. Ackerman moved to close the public hearing, accept the Findings of Fact and grant the variance request seconded by member R. Riley and passed by a unanimous roll call vote of 5 to 0.

**Marcie Stone and William Stone** requesting a variance to install a 6-foot height privacy fence along a public right-of-way inside the building line where Town Code only allows a 4.5-foot high fence, therefore an increase height of 1.5 feet. **Petition 20-04** The secretary verified proof of publication, notification and payment. Mr. Bill Stone was present. He told the board they were interested in installing a 6-foot high privacy fence. The fence would not impede any sight lines.

Town Engineer M. O'Dell clarified the placement of the fence on the site plan submitted by the petitioner.

The secretary read the Findings of Fact into the record.

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

Member R. Riley moved to close the public hearing, accept the Findings of Fact and grant the variance request seconded by member J. Ackerman and passed by a unanimous roll call vote of 5 to 0.

**Johnathan E. Hicks and Amber Hensell Hicks, Husband and Wife** requesting a variance to allow a second principal structure on a lot where the Ordinance allows 1 principal structure on a lot, therefore an increase of 1 additional principal structure. A second variance is requested that the new principal structure has a side yard setback of 7 feet 7 inches, where the Ordinance requires a setback of 10 feet, therefore a variance of 2 feet 5 inches. A third variance is requested that the shed located in the rear of the property sits 5 feet from the proposed new principal structure, where the Ordinance requires 10 feet of separation between the accessory structure and the

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principal structure, therefore a variance of 5 feet. **Petition 20-05** The secretary verified proof of publication, notification and payment. Attorney G. Babcock was present as representation for the petitioner. Amber and John Hicks accompanied him. Attorney G. Babcock told the board that the Hicks had started the Frontline Foundation which is a substance abuse treatment program. The site has merged with NorthShore Hospital. NorthShore is looking to utilize the main building and their remodeled garage for their operation and treatment facility. They have no need for the modular building that is situated on the properties northwest corner. The modular is 1375 square feet. All three structures are served by the same electrical meter. The petitioners are interested leasing the modular building.

Amber Hicks was present. She is the founder of Frontline Foundation. She said they merged with NorthShore in March of 2019. NorthShore is a substance treatment facility. The clients seen at a treatment facility are still in active use of a substance and are receiving counseling services and treatment with people qualified to do so. Recovery services, which is what Frontline Foundation is, provides services to people who are on the other side, are no longer in treatment and are no longer actively using but stay engaged with services so they will not relapse. About 6 months ago they purchased the building located at 320 S. Calumet Avenue, Chesterton. They are in the process of moving the recovery services over to that newly remodeled building. She said they will continue to own the building located at 1008 Broadway, Chesterton. She said they are interested in renting out the modular unit located at the Broadway address. In a perfect setting they would find renters that are healthcare related and would be a compliment to what NorthShore is already doing. The modular provides a great little office space and there is ample parking for a partnered use of the property.

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

Attorney G. Babcock included with the petition a list of B-3 Uses that would be excluded from using this particular site. He respectfully requested the board to consider accepting the Findings of Fact and granting the variance requests.

Member J. Carney moved to close the public hearing accept the Findings of Fact and approve the variance requests seconded by member J. Ackerman and passed by a unanimous roll call vote of 5 to 0.

**Barbara L. Homme** requesting a variance to enclose an existing 16-foot by 12-foot deck which will increase the lot coverage to 34 percent, where the Ordinance allows lot coverage of 30 percent, therefore a variance of 4 percent of lot coverage. **Petition 20-06** The secretary verified proof of publication, notification and payment. Attorney G. Babcock was present as representation for the petitioner. He was accompanied by Barbara Homme. The property is located at 109 Westchester Ave., Chesterton. The property was built in 2015. The lots were platted in 1908 and are approximately 6000 square feet. The home currently has a back porch/deck the petitioner

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would like to convert into a three-season room. He noted that the current deck is capable of handling the weight of the proposed enclosure. The lot offers ample drainage as it abuts an unimproved alley.

Barbara Homme told the board she purchased the home as a spec home and had always had a screen porch incorporated in her living spaces. The addition of the three-season room would bring added value to the home as well as the neighborhood.

Two letters of support were placed in the petition file. One was from Paul Shinn of Chesterton the other from Bonnie Thanos of Chesterton.

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

Member J. Ackerman moved to close the public hearing accept the Findings of Fact and grant the variance request seconded by member F. Owens and passed by a roll call vote of 5 to 0.

**Steiner Homes, LTD** requesting a variance to increase the height of an accessory structure from 16 feet to 17.5 feet therefore a variance of 1.5 feet. A second variance is requested to allow accessory structure to be erected in the front yard. **Petition 20-07** The secretary verified proof of publication, notification and payment. Mr. Deal was present. He would be the owner of the home and property once the building process was complete. He told the board the increase in height is necessitated by the desire to erect a structure that would house an RV. The structure will be situated on a 34-acre parcel. The proposed structure would sit 440 feet back from the road behind a tree line. The proposed location avoids a pond around the back of the house and also delineated wetlands. He said most of the neighboring homes would not have a view of the structure.

After polling the parking lot, it was determined that there was no one present to speak in support or opposition to the petition.

Attorney C. Parkinson noted that practical difficulty is often a struggle for petitioners requesting variances. The petitioner felt no other location to be feasible.

Town Engineer M. O'Dell had no comment.

It was the general consensus of the board to vote on the two variance requests as one.

Member R. Riley questioned the ability for the petitioner to move the structure.

Mr. Deal told the board the delineated wetlands make it very difficult to position the structure. He said they struggled to get the driveway in which sits pretty near the wetlands.

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Members of the board understood that this parcel would have to come before the Chesterton Plan Commission if it were ever subdivided.

Member R. Riley moved to close the public hearing accept the Findings of Fact and grant the variance requests seconded by member F. Owens and passed by a unanimous roll call vote of 5 to 0.

**OLD BUSINESS**

Town Engineer M. O'Dell said that back in March there was a petition submitted from Attention to Details. The petitioner withdrew the petition before it was heard by the board. He is requesting a refund of the \$175.00 filing fee for the petition.

Attorney C. Parkinson said the rules in the Ordinance state that the fee is non-refundable. It would require a vote from this board to refund the fee.

Member R. Riley moved to refund the fee in the amount of \$175.00 seconded by member J. Ackerman and passed by unanimous voice vote.

**NEW BUSINESS- None**

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**MISCELLANEOUS BUSINESS**

President J. Kowalski questioned a project still under construction on Locust Street. He felt the project should have been completed and is an eyesore in the area. He wondered if there was any action that could be taken.

Town Engineer M. O'Dell said he has 18 months to complete the project.

**ADJOURNMENT**

There being no further business before the board member R. Riley moved adjournment seconded by member F. Owens and passed by unanimous voice vote. The meeting adjourned at 8:13 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved;

J. Kowalski, President