

**CHESTERTON BOARD OF ZONING APPEALS**  
**OCTOBER 22, 2020**  
**6:30 P.M.**

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

**APPROVAL OF MINUTES**

Member R. Riley moved approval of the minutes from September 24, 2020 seconded by member J. Ackerman and passed by unanimous voice vote.

**PRELIMINARY HEARINGS**

**Jim Whitenack** requesting a variance to reduce the front yard setback from 25 feet to 8 inches therefore, a variance of 24 feet 4 inches. **Petition 20-19** Mr. Whitenack was present. He distributed paperwork that was lacking. He told the board he and his wife are looking to construct a front porch for their enjoyment.

Town Engineer M. O'Dell told the board that the petitioner would additionally need a variance for lot coverage. The property is currently at 47 percent lot coverage.

Attorney J. Paulson said that although the status of the property is legal non-conforming. The addition of the porch would add to the lot coverage now making it non-conforming.

Mr. Whitenack explained that they would be removing the concrete stoop and replacing it with a porch that spans the length of the house.

Town Engineer M. O'Dell said the house is already in the front yard setback. He clarified that the reduction in the setback would be from 25 feet to 1 foot 8 inches therefore a variance of 23 feet 4 inches.

It was the general consensus of the board to convene the November meeting on Tuesday November 24, 2020 because of the Thanksgiving holiday.

Member J. Ackerman moved to convene the November meeting on November 24, 2020 at 6:30 P.M. seconded by member R. Riley and passed by unanimous voice vote.

Attorney J. Paulson clarified that the petitioner would need to amend the petition to request an additional variance for lot coverage. She requested a copy of the deed. Additionally, Mary Ellen Whitenack would need to be included on the petition. The notice to surrounding property owners would need to include both variance requests. The amended petition would need to be received by Monday, November 2, 2020.

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President J. Kowalski requested that the petitioner take a second look at the Findings of Fact and enhance them a bit.

Town Engineer M. O'Dell said he would get with the petitioner to calculate the second variance request for increased lot coverage

Member J. Ackerman moved to set Petition 20-19 for public hearing on November 24, 2020 seconded by member R. Riley and passed by a unanimous roll call vote of 3 to 0.

**John Doyle/Doyle Signs, Inc. as agent for Mark Hoffman/Us Realty 87 Chesterton Associates, LP** requesting a variance to increase the total square footage of gross surface area of all combined signs to 405 square feet where the Ordinance permits 120 square feet, a variance of 285 square feet. A second variance seeking to construct a monument sign at a height of 11 feet 2 inches where the Ordinance permits an 8-foot monument sign a variance of 3 feet 2 inches. A third variance seeking to construct a second monument sign at a height of 11 feet 2 inches where the Ordinance permits an 8-foot monument sign, a variance of 3 feet 2 inches. A fourth variance is requested to permit a temporary sign measuring 64 square feet during construction where the Ordinance permits 32 square feet, a variance of 32 square feet. A fifth variance is requested to permit a temporary sign for thirty days after construction, measuring seven feet (7') in height with a total surface area of 64 square feet where the Ordinance permits a sign six feet (6') in height and 24 square feet in surface area, a variance of one foot (1') in height and 40 square feet in surface area. A sixth variance is requested to permit a second temporary sign for thirty days after construction, wall-mounted and measuring 32 square feet, where the Ordinance does not permit wall-mounted temporary signs and only permits temporary signs of 24 square feet, a variance of 8 square feet. A seventh variance is requested to permit a third temporary sign for thirty days after construction, wall-mounted and measuring 32 square feet, where the Ordinance does not permit wall-mounted temporary signs and only permits temporary signs of 24 square feet, a variance of 8 square feet. **Petition 20-20** Mr. John Doyle owner of Doyle Signs Inc. was present as representation for the petitioner. You will find a copy of his preliminary hearing presentation; hereto attached and made a part of these minutes.

Attorney J. Paulson told the board that Aldi worked with the building department and legal staff to identify exactly what variances were required based on the signage they are requesting. She found the petition to be in good order.

Town Engineer M. O'Dell clarified for the board where the monument sign nearest Indian Boundary Road would be placed. Furthermore, he wanted to clarify that there is no guarantee that the other two tenants will come.

Member R. Riley suggested waiting until there is a developer and the other buildings are built before installing the second monument sign on Council Drive.

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Member R. Riley moved to set this item for public hearing at the November 24, 2020 meeting seconded by member J. Ackerman and passed by unanimous roll call vote of 3 to 0.

**PUBLIC HEARINGS**

**BMO Harris Bank N.A. and Jennifer McLain Co-Guardians of the Estate of William Hope III** requesting a variance to construct a six-foot privacy fence for the petitioners backyard which fronts on a thoroughfare. **Petition 20-17** Rules for conducting a public hearing were read aloud. The secretary verified proof of notification, publication and payment.

Attorney T. Hiestand was present as representation for the petitioner. Ms. Jennifer McLain accompanied him. Attorney Hiestand said his client is interested in increasing the height of a four-foot fence along the back side of the yard to match the six-foot fence height on each side of the yard. The Ordinance only allows a four-foot fence along a thoroughfare. The yard abuts 1050 N., Chesterton and the petitioner would like more privacy for hosting family gatherings. He noted that several neighboring homes have installed a 6-foot fence. Furthermore, there would be a gate installed along the backside for maintenance/mowing purposes along 1050 North. He respectfully requested the board grant 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 hearing was declared closed.

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 3 to 0.

**Shaun Connelly and Kimberly Connelly** requesting a variance to exceed the 30 percent lot coverage by 9 percent for a total of 39 percent. **Petition 20-18 (Request to Continue)** The secretary read into the record the petitioner's letter to request that the public hearing be continued.

Member J. Ackerman moved to continue the public hearing until the November 24, 2020 meeting seconded by member R. Riley and passed by unanimous voice vote.

The secretary noted that the notice of publication was published. There was no one present to speak in support of the petition. There was no one present to speak in opposition to the petition.

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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 R. Riley and passed by unanimous voice vote. The meeting adjourned at 7:04 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved;

James Kowalski, President

## **PRELIMINARY HEARING PRESENTATION: Chesterton, IN 10/22/2020**

Aldi is requesting these variances to the sign code due to the unique location, shape and large size of the property, as well as the extreme setback of the building they will occupy. In the public hearing we hope to demonstrate that the 120 square feet of total signage allowed by code is not enough to properly identify any business on this 7-1/2 acre lot.

As shown in the site plan, all four sides of the building face a public right of way. However, each side is also well over 100' away from these roads, with the front elevation being 400' from Indian Boundary. The Wendy's and Speedway buildings occupy the Northwest and Northeast corners of that frontage, presenting another obstacle to a clear view of Aldi and their future neighbors. These facts alone indicate the need for larger sizes and quantity of signage than is currently allowed.

Regarding the 3'2" of extra height on the monument signs in variances 2 and 3, this will provide enough space for each tenant's logo to be clearly legible, while also being tall enough to overcome the Indian Boundary sign's 16'6" setback from the road. Since the lot is so massive, and the three entrances so far from each other on different thoroughfares, the additional Council Drive sign will serve to direct motorists to another entrance, hopefully lessening traffic congestion. Constructing it at the same height as the sign on Indian Boundary Rd will provide a consistency of design that will complement the look of the property as well as provide better visibility from a distance.

For the same reasons already mentioned, the variances for the temporary signs are requested to allow Aldi displays of sufficient size and quantity to alert potential customers of their arrival, and to a new service they offer. The double-sided post & panel sign at Indian Boundary Rd is an efficient way to show traffic in both directions that Aldi is Coming Soon, and later that they are now open. The Now Open banner facing SR-49 will perform the same function for that elevation, and the Curbside Pickup banner will promote Aldi's new touchless grocery pickup service.

For all these reasons, and more, Aldi respectfully requests the Board grant it a place on the agenda at next month's public hearing.