

CHESTERTON BOARD OF ZONING APPEALS
MARCH 25, 2021
6:30 P.M.

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

APPROVAL OF MINUTES

Member J. Carney moved approval of the minutes from February 25, 2021 seconded by member J. Ackerman and passed by unanimous voice vote.

PRELIMINARY HEARINGS

Mark Markovich, Mark I Construction requesting a variance to increase lot coverage from 30 percent to 40 percent therefore a variance of 10 percent. A second variance is requested to reduce a side yard setback from 8 feet to 7 feet, therefore a variance of 1 foot. **Petition 20-21** (Continued from February 25, 2021) Mr. Markovich was not present at the evenings meeting. The secretary reported that she had not heard from the petitioner.

Attorney J. Paulson reminded the board that this petition was stalled in the preliminary hearing stage. He filed some additional documents on March 8, 2021. The rules provide that if someone does not show up for two consecutive meetings their petition can be dismissed for failure to prosecute. She said it was a board decision to either dismiss or continue the petition until the next meeting.

President J. Kowalski commented that the petitioner had been in contact with the Town Engineer M. O'Dell whom was not present at the meeting although he did provide notes addressing agenda items. President Kowalski thought it best to continue the petition.

It was the general consensus of the board to continue the preliminary hearing.

Member J. Carney moved to continue the Preliminary Hearing for Petition 20-21 until the April meeting seconded by member J. Ackerman and passed by unanimous voice vote.

Michael S. Marmolejo and Michelle L. Marmolejo requesting a variance to allow a six-foot privacy fence adjacent to Burlwood Dr. The privacy fence will be located approximately 15 feet off the property line (adjacent to the existing sidewalk). This location will allow an unobstructed view from the corner of Burlwood Dr. and Pepperbush Ave. to the corner of Burlwood Dr. and Larchwood Ave. A second variance is requested to reduce the setback from 25 feet to 15 feet, therefore a variance of 10 feet. **Petition 21-01** (This item is set for public hearing at the April 22, 2021) No action was necessary by the board.

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Benlew Enterprises, Brian Lewandowski requesting a Use Variance to allow for an R-1 use in a B-2 Zone. A second variance is requested to allow for a second principal structure on a lot. **Petition 21-02** Petitioner Brian Lewandowski was present. He told the board they are interested in replacing the roof on the main building located on site and the existing garage which are both in bad shape. They are interested in converting the existing garage into a residential apartment. All construction would be in keeping with existing fire codes and ingress egress requirements. There is currently ample parking to accommodate additional residential parking. He commented that its basically taking a roof off and converting the existing garage to an apartment. He said that sewer, water and electricity already exist.

It was clarified that the main buildings first floor contains a spa and a few offices. The second floor, which the board granted variances on about a year back, contains two apartments and one office.

Attorney J. Paulson requested that the Findings of Fact be filled out completely for the use variance. She noted that the board would pay particular attention to the hardship that would be imposed if the variance was not granted. She commented that Indiana law is really specific as to what constitutes a hardship. She advised the petitioner to beef up the Findings of Fact that had been completed. She urged him to develop facts that support legal standards. Additionally, if the variances were granted this structure would become a principal structure and it is not located more than eight feet from the north property line. An additional variance would then be required to reduce a side yard setback.

Member J. Ackerman said it would be difficult to set this item for public hearing without viewing Findings of Fact.

President J. Kowalski advised the petitioner to provide Findings of Fact that would suggest a hardship other than financial gain.

Member J. Carney wondered if the petitioner would have thoughts of building other structures to the east of the building.

Mr. Lewandowski said he had no intention to build in that location.

It was the general consensus of the board that it would be in the petitioner's best interest to continue the preliminary hearing until the rest of the board is present and comments are heard from Town Engineer M. O'Dell.

Member J. Carney moved to continue the Preliminary Hearing on Petition 21-02. The motion was seconded by member J. Ackerman and passed by a unanimous roll call vote of 3 to 0.

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PUBLIC HEARINGS- None

OLD BUSINESS- None

NEW BUSINESS- Review suggested changes to clarify language contained in the Chesterton Board of Zoning Appeals petition process.

Attorney J. Paulson said she was unaware that town Engineer M. O'Dell would be gone this week. She did not have the opportunity to speak to him about the draft. She suggested revisiting this item next month when all board members might be present and she had the opportunity to speak with the M. O'Dell and building department secretary regarding their input.

It was the general consensus of the board to revisit this item next month. There was no necessary action.

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board member J. Ackerman moved adjournment seconded by member J. Carney and passed by unanimous voice vote. The meeting adjourned at 6:53 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

J. Kowalski, President