

CHESTERTON BOARD OF ZONING APPEALS
JULY 22, 2021
6:30 P.M.

The meeting was called to order at 6:30 P.M. Present were members F. Owens, R. Riley, J. Carney and president J. Kowalski. Member J. Ackerman was absent. Town Engineer M. O'Dell and Town Liaison K. Nevers were 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 June 24, 2021 seconded by member J. Carney and passed by unanimous voice vote.

PRELIMINARY HEARINGS

William C. Bennett and Rita F. Bennett requesting a variance to increase lot coverage from 30 percent to 40 percent therefore a variance of 15 percent. **Petition 21-06** The petitioners requested to withdraw this petition.

Bennett's Storage Inc. Requesting a developmental standard variance to reduce a minimum front yard depth from 30 feet to 0 feet to install a 6-foot fence. A second variance is requested to reduce the minimum distance from a side street reduced from 20 feet to 16 feet on the west side of the property to install a 6-foot fence. A third variance is requested to reduce the minimum distance from a side street reduced from 20 feet to 10 feet on the east side of the property to install a 6-foot fence. **Petition 21-09** Attorney D. Hiestand was present as representation for the petitioner. He told the board they would be looking to amend their petition. There had been a miscommunication. The amended petition would request a variance to construct a fence adjacent to a public right-of-way and a variance to allow a 6-foot fence in the front plain of the property. He requested the board to consider setting this petition for public hearing.

Attorney J. Paulson told the board this petition was filed after the deadline. If the board is going to consider this petition tonight, they would need a unanimous decision to suspend the rules for filing.

Attorney D. Hiestand said the petitioner has experienced a few break-ins recently. They are trying to secure their property as soon as possible.

Member R. Riley moved to waive the rules for filing a petition in a timely manner seconded by member J. Carney and passed by unanimous roll call vote of 4 to 0.

Attorney J. Paulson commented that the petition is in order other than revising the variance requests.

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President J. Kowalski asked if the petitioner could make the necessary revisions before the submittal date of August 9, 2021.

Attorney Hiestand said yes.

There was some additional discussion regarding submittal dates since the public notices would now be published with a new publisher.

Town Engineer M. O'Dell said the survey they presented is more like a plat of survey. He requested a revised site plan depicting the buildings as they currently exist, and the placement of the proposed ornamental fence as it relates to the curved road and ditch.

President J. Kowalski wondered if INDOT would be consulted in this matter.

Member F. Owens questioned the use of an ornamental fence verses a chain link fence. He felt it would offer more traffic visibility.

Attorney Hiestand said the fence would be installed inside the ditch and the petitioner is interested in installing something a little more visually pleasing.

It was the general consensus of the board that a current site plan depicting the fence placement would help in easing concerns about line of sight.

Member J. Carney moved to set Petition 21-09 for public hearing at the August 26, 2021 meeting seconded by member F. Owens and passed by a unanimous roll call vote of 4 to 0.

PUBLIC HEARINGS

Fox Chase Development, LLC requesting a developmental standard variance to increase lot coverage from 30 percent to 45 percent therefore, an increase of 15 percent. **Petition 21-07** Rules for conducting a public hearing were read aloud. The secretary verified proof of notification, publication and payment. Attorney D. Hiestand was present as representation for the petitioner. He told the board that his client is interested in constructing a single-story duplex as an infill project on the site. He commented that the housing trend for duplexes is moving toward a single-story preference. He felt that the structure would be compatible with the nature of the neighborhood and is in keeping with the towns comprehensive plan.

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.

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Attorney J. Paulson found the petition to be in order. This petition would be left to a board decision.

Town Engineer M. O'Dell had no issue with the petition. He said he had confirmed with Attorney Hiestand that the setback is 8 feet and the overhang would be 6 inches. This petition would be left to a board decision.

President J. Kowalski said he was not in agreement with the language used in the Findings of Fact regarding granting large blanket variances in conjunction with Planned Unit Developments.

Member F. Owens was in agreement with president Kowalski. He commented that each petition is judged on its own merit. It's a case-by-case situation. Additionally, He noted that the variance request should be completed including the request asking for a 15 percent increase in lot coverage.

Attorney J. Paulson advised the board that if they wanted, they could strike the first sentence of the petitioners Findings of Fact. Members of the board agreed, they were not comfortable with idea that they granted blanket variances at all.

Member F. Owens moved to close the public hearing, grant the variance request and accept the Findings of Fact contingent upon striking language in the first sentence of Finding 1, of Page 25 of the petition. Additionally, granting the variance would result in a 15 percent increase in lot coverage. The motion was seconded by member R. Riley and passed by a unanimous roll call vote.

AARQ Properties, LLC/ Sweet Stitches Quilt Shop, LLC, Robert and Joan Crookston requesting a developmental standard variance to use an existing freestanding sign and the existing building signage in combination to equal 225 square feet of total signage therefore, a variance request of 105 square feet beyond the maximum gross square footage allowed which is 120 square feet. A second developmental standard variance is requested to use an existing freestanding sign totaling 192 square feet therefore a variance of 72 square feet beyond the maximum gross square footage allowed which is 120 square feet for a freestanding sign. **Petition 21-08** The secretary verified the notice to property owners within 300 feet was in order as well as the notice of publication. Payment of the invoice was pending. Secretary G. Murawski told the board that Attorney J. Paulson is currently in conversation with The Times newspaper where this was published.

Attorney J. Paulson told the board the issue with The Times is they have suddenly decided to not charge governmental rates and in turn charge private party rates which are considerably more money than municipal rates. These notices are required by statute. They had agreed to bill this at

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a government rate but the town has not received a revised invoice. If the petition is granted by the board, it should be subject to the payment of the publication once a corrected invoice is received.

Mr. and Mrs. Crookston were present. Mr. Crookston told the board they had recently moved their business to the 1575 S. Calumet Rd. location. It is their intention to utilize the existing freestanding sign to promote their business. They would enhance the sign by adding a brick skirting around each of the existing poles and adding a small planting bed. They would also be using their business signage on a porch they would be adding to the site.

Town Engineer M. O'Dell said he had no issue.

Attorney J. Paulson found the petition to be in order.

President J. Kowalski verified that the petitioners would not be adding to the height of the sign. Mr. Crookston said no. The petitioners were not eligible to have their business name on the South Calumet District sign.

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

Member R. Riley moved to change the order of business on the agenda. The item listed under Old Business would be discussed, after signing the nights approved petitions. The motion was seconded by member J. Carney and passed by a unanimous roll call vote of 4 to 0.

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

Attorney J. Paulson walked members of the board through a few revisions since hearing comments last month.

There was some additional conversation about numbering the pages of the packet in chronological order by creating separate packets for a developmental standard variance, a use variance and a special exception. Members, Attorney Paulson and M. O'Dell discussed the pros and cons of such a change. In the end, they would keep that suggestion under consideration.

In other old business, Member J. Kowalski commented that he would like to see something done to clean up the residential eyesore that exists on Calumet Avenue. "As a gateway to our town, it looks like a perpetual garage sale." He urged the town to take some kind of action and the yard be tidied up.

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Town Engineer M. O'Dell said he has tried to work with the tenants that lease the property. Sometimes there is a positive effort made to unclutter the yard and then clutter it just starts accumulating again.

Members of the board suggested notifying the property owner to address the concerns. In the end, they all agreed the yard with all the clutter is not the most visually pleasing way to welcome people to our town.

NEW BUSINESS- None

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board member F. Owens moved adjournment seconded by member R. Riley and passed by unanimous voice vote. The meeting adjourned at 7:20 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved;

J. Kowalski, President