

**CHESTERTON BOARD OF ZONING APPEALS  
DECEMBER 22, 2022  
6:30 P.M.**

The meeting was called to order at 6:30. The meeting was being conducted via Zoom due to hazardous weather conditions. Present were members F. Owens, R. Riley, J. Carney, J. Ackerman and president J. Kowalski. Attorney C. Parkinson was present as legal representation. Town Staff representative M. Gavelek was in attendance. The pledge of allegiance was recited.

**APPROVAL OF MINUTES**

Member R. Riley moved approval of the minutes from November 22, 2022 seconded by member J. Carney and passed by a unanimous roll call vote of 5 to 0.

**PRELIMINARY HEARINGS- None**

**PUBLIC HEARINGS**

Rules for conducting a public hearing were read aloud.

**Dorothy S. Minder Forbes Living Trust** requesting a variance to reduce the distance between an accessory structure and the principal structure to zero, when the code requires 10 feet between structures. Therefore, a variance of 10 feet. **Petition 22-20** Attorney C. Parkinson told the board that the petitioner had been contacted by the Town Manager D. Cincoski advising her that tonight's meeting would be conducted via zoom. She agreed to have the board continue the petition until the January 26, 2023 meeting. Attorney C. Parkinson advised the board that since notice and publication of tonight's meeting had gone out, the public hearing should be opened and comments from the public could be heard.

There was no person present via zoom to speak in support of the petition.

There was no person present via zoom to speak in opposition to the petition. The public comment portion of the meeting was declared closed.

Attorney C. Parkinson said the public comment portion of the public hearing for Petition 22-20 could be reopened at the January meeting.

Member J. Ackerman moved to continue the public hearing for Petition 22-20 until the January 26, 2023 meeting. The motion was seconded by member F. Owens and passed by a unanimous roll call vote of 5 to 0.

**Trinity Worldwide, LLC., an Indiana Limited Liability Company** requesting a variance to permit the construction of an addition to an existing commercial building where the side yard setback will be 4 feet and the Ordinance requires a 10-foot side yard setback, therefore a variance of 6 feet. A second variance is requested to construct an addition to an existing legal non-conforming commercial structure where the Ordinance does not allow for said construction. A third variance is requested to construct an additional principal structure on the site where 1 principal structure already exists, therefore, a variance to construct 1 additional principal structure on the site. **Petition 22-21** The secretary verified proof of notification, publication and payment. Attorney G. Babcock was present as representation for the petitioner. The petitioners Robert Swiatek and Marty McGinnis were present. Steve DeBold and Tony Hart of Chester, Inc. were also in attendance. Attorney G. Babcock told the board Trinity Worldwide, LLC. is located

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in what was formerly Trout Glass Company. Additionally, they own the structure to the north and west of them known as City Electric. They are interested in constructing an addition on the east side of the building to benefit both Trinity Worldwide as well as City Electric. The proposed addition would be 7,959 square feet at the east end of the building. They are looking to store materials they currently house in Hanna Indiana. City Electric will take 1,936 square feet of the proposed space indicated in Exhibit A and Trinity will take the additional 6023 square feet Exhibit B & C. Neither business will allow the general public access to the addition.

Mr. R. Swiatek told the board they currently store large event and trade show exhibits for their customers at the Hanna, Indiana location. City Electric is currently storing their electrical conduit outside. The proposed addition would allow them to store everything inside at the one location. The cost of this steel constructed addition would be approximately \$600,000.00.

Attorney G. Babcock said he would expect that the property taxes on this parcel would double. The building is located in the TIF District which means that the town will be capturing the property tax increase.

Steve DeBold of Chester Inc. told the board the parcel is approximately 1 acre in size just off of old Calumet Road. The entry drive is located off of old Calumet Road. They would be creating a separate detention pond on the east side of the property. They would hold back drainage and it would be metered out to the existing ditch along the east property line.

Attorney G. Babcock noted that the proposed addition would allow Trinity Worldwide and City Electric to increase their business and remain here in Chesterton. He respectfully requested the board to consider granting the variance requests.

Jeff Williamson of City Electric spoke in support of the petition. He said the addition would allow them to house their materials which are currently stored outside. The addition would also grow their business and perhaps increase their staff.

Robert Crookston of 1575 Calumet Road was present to speak in support of the petition. As a neighbor he sighted traffic flow and how it would greatly improve as a result of having a secondary entrance for Trinity. He said "A little relief from the constant trucks, deliveries and cars would be greatly appreciated."

There was no person present to speak in opposition to the petition. The public comment portion of the public hearing was declared closed.

Attorney C. Parkinson found the Findings of Fact to be in order. It would be a board decision.

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Town Staff representative Matt Gavelek said they had reviewed the petition and had no exception with the three proposed variances. He said he visited the site after receiving the drainage report and is confident he can work with the engineering team. Their drainage solutions are headed in the right direction. He will continue working engineers to make sure project is in full compliance with town standards.

Member J. Carney moved to accept the Findings of Fact close the public hearing and grant the requested variances. The motion was seconded by member R. Riley and passed by a unanimous roll call vote of 5 to 0.

**CMRJ, LLC**, requesting a variance to permit a front yard setback of 18 feet where the Ordinance requires a 25-foot front yard setback, therefore a variance of 7 feet. **Petition 22-22** The secretary verified proof of publication, notification and payment. Attorney G. Babcock was present as legal representation. He was accompanied by Chuck Roth. The owner of Chesterton Feed and Garden Center. The center is located on Locust and Woodlawn St. Mr. Roth purchased the property across the street from the feed and garden center known as the Stanko Property. He is looking to construct a building on the South portion property, which they had rezoned to B-3 property. The Northern portion will stay a home and remains an R-2 Zone. In the planning process there will be a Lot 1 and Lot 2. On the North end they are short of the center line on Woodline. The Planning and Zoning Ordinance request a dedication of property in holding a line for surrounding duplexes. The Stanko home built in 1955 doesn't have a 25-foot front yard setback line, it's at 18 feet. Mr. Roth is currently in the plat process but are unable to go forward because they haven't gone to the BZA to seek relief for a non-conforming structure.

Chuck Roth the owner of Chesterton Feed and garden center was present. He purchased the property to expand their business. They would be utilizing the property to expand their parking, and construct a warehouse and office space. The parcel with the house will stay residential.

There was no person present to speak in support of the petition.

Attorney G. Babcock read into the record a letter in support of the petition. The letter was from Rodney and Diana Wilcox. Mr. and Mrs. Wilcox are the neighbors to Chesterton Feed and Garden. They appreciate him as a good neighbor. He respectfully requested the board to accept the Findings of Fact and grant the variance request.

There was no person present to speak in opposition to the petition. The public comment portion of the public hearing was declared closed.

Attorney C. Parkinson found the paperwork to be in order.

Town staff Matt Gavelek said they have worked with Attorney Babcock on the plat and easements. He had no issue with the variance request.

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The general consensus of the board was this is a positive situation for both the town and the petitioner.

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

**OLD BUSINESS- None**

**NEW BUSINESS- None**

**MISCELLANEOUS BUSINESS- Merry Christmas**

**ADJOURNMENT**

There being no further business before the board member F. Owens moved adjournment seconded by member R. Riley and passed by a roll call vote of 5 to 0. The meeting adjourned at 8:16 P.M.

Respectfully submitted,

Gail Murawski, Secretary

Approved;

President