

CHESTERTON BOARD OF ZONING APPEALS
OCTOBER 22, 2015
6:30 P.M.

The meeting was called to order at 6:30 p.m. Present were members F. Owens J. Ackerman, K. Goldak and President R. Corder. Attorney J. Paulson was present as legal advisor. Town Manager B. Doyle was in attendance. Member J. Kowalski was absent. The pledge of allegiance was recited.

APPROVAL OF MINUTES

Member K. Goldak moved approval of the minutes from September 24, 2015 seconded by member J. Ackerman and passed by unanimous voice vote.

Member F. Owens moved to convene the November meeting on Tuesday November 24, 2015 due to the Thanksgiving holiday seconded by member K. Goldak and passed by unanimous voice vote.

The secretary suggested that the board consider hearing the Steve Tolton public hearing prior to the preliminary hearings since he had previously been in front of the board three times for his petition.

Member F. Owens moved to suspend the rules and proceed with the public hearing out of order seconded by member J. Ackerman and passed by unanimous voice vote.

PUBLIC HEARINGS

Steve Tolton requesting a variance to increase cement lot coverage from 30% to 35%. **Petition 15-09** Rules for conducting a public hearing were read aloud. The secretary verified proof of publication, notification and payment. Mr. Tolton was present. He told the board two days before closing on his new home in Stone Meadows subdivision he was informed that the properties percent of lot coverage was over by 5 percent. There was an in ground pool installed by Caribbean Pools and in their permit submittal they did not draw the appropriate cement coverage. The property builder also neglected to include a patio. The property owner stated that he had no idea that there are requirements for lot coverage and guessed the builder had no knowledge either. He said he was granted an occupancy permit and able to close on the house. He was informed that he needed to seek a variance to increase the percentage of lot coverage.

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.

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

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Member J. Ackerman commented that the builder should have the required knowledge he needs moving forward.

Mr. Tolton said he had been informed of his oversight.

Member F. Owens moved to accept the Findings of Fact close the public hearing and grant the variance request seconded by member K. Goldak and passed by unanimous roll call vote.

PRELIMINARY HEARINGS

James D. and Jill B. Pawlicki requesting a variance to increase lot coverage to 1,859 an increase of 9.7 percent. **Petition 15-10** Mrs. Jill Pawicki said she is requesting the increase in lot coverage to install a concrete driveway that would allow residents to turn their vehicles around in the driveway. She commented that there is high pedestrian traffic in that location and visibility is limited. She said neighbors had a cyclist run into the side of their car.

Member Goldak asked if this was a home.

Mrs. Pawlicki said it's a duplex and a large percentage of the pedestrian traffic comes from Westchester subdivision. She commented that they had already removed vegetation to help with the issue of visibility.

Attorney J. Paulson directed the petitioner to complete the Findings of Fact. She told the petitioner that her reasons as stated would be sufficient; they just needed to be included in the petition.

Member F. Owens said he would like to see the variance request amended to ask for a variance to increase lot coverage from 30 percent to 39.7 percent a difference of 9.7 percent.

Member J. Ackerman moved to set this item for public hearing at the Nov. 24, 2015 meeting seconded by member F. Owens and passed by unanimous voice vote.

The amended petition would be due 17 days prior to the public hearing which would be November 7, 2015.

Wake Robin, Inc. an Indiana Corp. requesting a variance to fabricate garage door slats. **Petition 15-11** Attorney G. Babcock was present as representation for the petitioner. The property's end user Mr. and Mrs. Willmington owners of Express Slats Company Inc. Attorney G. Babcock told the board the company takes steel and turns it into garage door slats. The steel is already rolled painted and stored indoors. The proposed business would be located on Pioneer Trail just north of Strack and Van Til grocery store. The family owned company would be relocating from South Holland, Illinois.

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Mr. Bert Willmington told members of the board that the steel comes to them and they run it through machinery that forms it into strips that link together to create a rolling steel door. They also make replacement parts for garage doors which garage door service companies use. They ship all over the country.

Member K. Goldak asked about how the materials are transported and shipped.

Mr. Willmington said the materials would come in on Conestoga wagon type trucks with a hooped tarp. Materials would leave the site usually with common carriers in a box truck. There would not be excessive truck traffic.

Town Manager B. Doyle encouraged members of the board look favorably on the variance request. He commented that this is a family run business that has chosen Chesterton as the place to relocate their business. It's certainly the type of businesses we like to see come to our town.

Member F. Owens moved to set this item for public hearing at the November 24, 2015 meeting seconded by member J. Ackerman and passed by unanimous voice vote.

Indian Boundary Property Group, LLC. requesting a variance on Lot 1 to allow each wall-mounted signs of 87 sq. ft. and 98 sq. ft., and a monument sign of 120 sq. ft. totaling 490 sq. ft. Each tenant has 80 feet of frontage. Each wall mounted sign would be installed on a different level. A second variance is requested on Lot 2, to allow each tenant two (2) wall-mounted signs of 52.5 sq. ft. each and a monument sign of 120 sq. ft., totaling 330 sq. ft. **Petition 15-12** Mr. Greg Bauer representing Aetna Development and National Shopping Plaza was present. He said the site is being developed by property owners whom own sites throughout the Midwest and usually focus on national tenants. Two of the tenants found for this site are O'Reilly's Auto Parts and Dollar Tree. The tenants are seeking additional signage. He said once they find a tenant they like to keep them 20 plus years and they have expressed a need for additional signage. To keep the tenants happy they try to get the public to the site in a safe and efficient manner. He respectfully requested this item to be set for public hearing at the November meeting.

Attorney J. Paulson commented that the property was split into to two lots. She informed the petitioner that they would need to file a second petition. The rules require a separate petition for each lot.

Mr. Bauer distributed a depiction of the site which included signage proposals.

Members of the board clarified that they would be looking for two monument signs, one for each lot. Other potential tenants would also appear on the proposed monument sign.

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Attorney J. Paulson said an additional variance may be required if they are proposing advertising businesses that are on a separate lot.

It was clarified the total allowable square footage would be 120 square feet plus 25 feet for each business. Each lot would therefore be allowed 170 sq. feet.

Member F. Owens asked the petitioner to indicate the allowable square footage verses the requested square footage. It was also determined that the petitioner would need a height variance for each of the monument signs.

It was the general consensus of the board that the petitioner would update the site plan, update the square footages and add the additional variance requests. A separate petition would also need to be filed.

Attorney J. Paulson advised the board that they could choose to waive the preliminary hearing requirement for the additional petition that needed to be filed for the second lot. The petitioner would be required to notify the public for each lot and there would be a separate publication for each lot.

Member F. Owens moved to set this item for public hearing at the November 24, 2015 meeting seconded by member J. Ackerman and passed by unanimous voice vote.

Frank Spirson requesting a variance to reduce the setback on the side of the house to 7 feet instead of 10 feet to construct an open patio cover, no walls. **Petition 15-13** Mr. Rick Zientara of Trim A Seal was present as representation for the petitioner. Mr. Spirson accompanied him. Mr. Zientara said the homeowner is interested in installing a patio cover. The concrete measures 16 feet by 17 feet with the proposed patio cover measuring 16 feet by 15 feet. The patio cover has a gutter system all around and is made from non rusting materials. He distributed a depiction of the proposed patio cover. The patio cover would be installed 3 feet from the property line.

Attorney J. Paulson said she didn't think the existing concrete work violated the setback requirement only the structure itself would be the consideration. Town Engineer M. O'Dell was not in attendance. She would verify those requirements with him.

The variance request was clarified for the petitioner. They were asked to amend the petition to include the request for a 3 foot variance.

Attorney J. Paulson requested a copy of the deed and a list of property owners within 300 feet. She informed him that he needed to strengthen the Findings of Fact. The requested materials would need to be submitted by November 7, 2015.

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Member J. Ackerman moved to set this item for public hearing at the November 24, 2015 meeting seconded by member K. Goldak and passed by unanimous voice vote.

OLD BUSINESS- None

NEW BUSINESS- None

MISCELLANEOUS BUSINESS- None

ADJOURNMENT

There being no further business before the board member F. Owens moved adjournment seconded by member K. Goldak and passed by unanimous voice vote. The meeting adjourned at 7:25 P.M.

Respectfully submitted,

Gail A. Murawski, Secretary

Approved:

R. Corder, President