

**Town of Cedar Lake – Board of Zoning Appeals  
Public Meeting Minutes  
December 15, 2011**

The Cedar Lake Board of Zoning Appeals held their Public Meeting on Thursday, December 15, 2011. The meeting was called to order at approximately 7:04 p.m. at the Cedar Lake Town Hall. Those Members present were: Jeff Bunge, Tim Kubiak, Eric Burnham, and Diane Cusack. Attorney Tim Kuiper, of Austgen, Kuiper & Associates, Ian Nicolini, Town Administrator, and Jenn Montgomery, Recording Secretary, were also present. Jeremy Kuiper, Chairman, was not present at tonight's meeting.

**Minutes:** Eric Burnham moved to approve the Minutes from the November 10, 2011 Public Meeting. Diane Cusack seconded. After a voice vote, the motion carried unanimously.

**Chairman's Comments:** None.

**Public Hearings:**

**New Business:**

**1. Kocjan – Use Variance**

Owner: Robbins Run Properties, LLC, PO Box 511, Cedar Lake, Indiana  
Petitioner: Joe Kocjan, PO Box 634, Cedar Lake, Indiana  
Vicinity: 10501 W 133<sup>rd</sup> Avenue, Lot C  
Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XVI – Light Industrial (M-1) Zoning District.

*This Special Use Variance request is to allow a metal fabrication shop and outdoor trailer storage.*

**Attorney to Review Legals:** Tim Kuiper stated the notices and publications are in order for tonight's meeting.

**Petitioner's Response:** Joe Kocjan was present at tonight's meeting to request a special use variance to allow a metal fabrication shop and outdoor trailer storage. Mr. Kocjan stated that there is currently a thirty foot (30') and a sixteen foot (16') utility trailer and one (1) twenty-four foot (24') enclosed trailer on the property. Mr. Kocjan stated he does not have a need for much more storage than what is currently on the property.

**Remonstrators:** None.

**Building Department's Comments:** Ian Nicolini stated that any use in an M-1 Industrial Zoning District requires a Special Use Variance application.

**Board's Discussion:** Eric Burnham confirmed that the only thing that will be stored outside the building will be the trailers. Jeff Bunge inquired if there will be more trailer storage in the future. Mr. Kocjan stated that from time to time there may temporarily be more than that, but not permanently. Tim Kubiak stated that the property is fairly large, so storage should not be a big issue.

**Board's Recommendation to the Town Council:** Tim Kubiak moved to send a favorable recommendation to the Town Council with the contingency that no more than six (6) trailers to be stored on the property at any time, to include the Findings of Fact:

- The establishment, maintenance or operation of the Special Use or Special Exception will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare, and is in accordance with the Comprehensive Master Plan of the Town;
- The Special Exception or Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the community;
- The establishment of the Special Exception or Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the Zoning District;
- The Special Exception or Special Use shall be required to comply with reasonable time limitations on commencement and duration of Special Exception or Special Use, as well as holder of rights to Special Exception or Special Use;
- Adequate utilizes, access roads, drainage and/or other necessary facilities will be provided;
- Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- The Special Exception or Special Use shall in all other respects conform to the applicable regulations of the Zoning District in which it is located and the Board of Zoning Appeals and Town Council finds that there is a public necessity for the Special Exception or Special Use. The following listed Special Exceptions may be recommended by the Town Council in the Zoning Districts stated upon the terms and conditions provided for in this Section 2, of TITLE XXX:

Diane Cusack seconded. After a roll call vote, the motion carried 4-0.

**Correspondence:** None.

**Public Comment:** Jeff Bunge stated the American Legion will be holding a blood drive on Monday, December 19, 2011 from 3 p.m. – 7 p.m.

**Adjournment:** Meeting was adjourned at approximately 7:13 p.m.

**Press Session:** None

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Diane Cusack

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Tim Kubiak

\_\_\_\_\_  
Eric Burnham

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Jeff Bunge, Vice Chairman

\_\_\_\_\_  
Jeremy Kuiper, Chairman

Attest: \_\_\_\_\_  
Jenn Montgomery, Recording Secretary