

**Town of Cedar Lake – Board of Zoning Appeals
Public Meeting Minutes
January 19, 2012**

The Cedar Lake Board of Zoning Appeals held their Public Meeting on Thursday, January, 19, 2012. The meeting was called to order at approximately 7:06 p.m. at the Cedar Lake Town Hall. Those Members present were: Tim Kubiak, Eric Burnham, and Diane Cusack. Attorney Tim Kuiper, of Austgen, Kuiper & Associates, and Jenn Montgomery, Recording Secretary, were also present. Jeremy Kuiper, Chairman, arrived at approximately 7:10 p.m. Jeff Bunge, Vice Chairman, and Ian Nicolini, Town Administrator, were not present.

Minutes: Eric Burnham moved to approve the Minutes from the December 15, 2011 Public Meeting. Diane Cusack seconded. After a voice vote, the motion carried unanimously.

Election of Officers:

- A. Chairman:** Eric Burnham moved to elect Jeremy Kuiper as Chairman. Tim Kubiak seconded. After a voice vote, the motion carried unanimously.
- B. Vice Chairman:** Eric Burnham moved to elect Jeff Bunge as Vice Chairman. Jeremy Kuiper seconded. After a voice vote, the motion carried unanimously.

Retention of Services:

- A. Legal Services:** Eric Burnham moved to retain the current legal services of Austgen, Kuiper & Associates. Diane Cusack seconded. After a voice vote, the motion carried unanimously.

Meeting Dates:

- A. 2012 Meeting Dates:** Due to changes in the Town Council Meeting structure, it was proposed that Board of Zoning Appeals meetings be moved from the third Thursday of each month to the second Thursday of each month, beginning in April 2012. By making this change, it would speed up the variance process for those applicants receiving a recommendation to the Town Council. Eric Burnham moved to approve the meeting date change. Diane Cusack seconded. After a roll call vote, the motion carried 4-0.

Public Hearings:

New Business:

1. Perzee – Developmental Variance

Owner/Petitioner: John & Janet Perzee, 4640 W 1700 N, Wheatfield, Indiana
Vicinity: 13701 Lauerman, Lot 73, Cedar Lake, Indiana
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII – Residential (R-2) Zoning District, Section 4: Area, Width and Yard Regulations, B. Front Yard: ... There shall be a front yard between the building line and the highway and street right-of-way lines as follows: 4) On all other streets, a distance of thirty (30) feet.

Petitioner is requesting a Developmental Variance to allow front yard setbacks of a through-lot of less than five (5) feet.

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

Petitioner's Response: Josh Perzee, son of John and Janet, was present tonight on behalf of the Petitioners. Mr. Perzee explained that they are seeking a setback variance in order to build a new home. Larry Spender, Cedar Lake Ministries Committee Chairman, was also present to tonight. Mr. Spender informed the Board that the committee has reviewed the Petitioners' plans and have approved them as presented to the Board this evening. Mr. Spender also stated that this house will be in line with all the other homes in the area.

Remonstrators: None.

Building Department's Comments: None.

Board's Discussion: Eric Burnham stated he has no problem with this request. Tim Kubiak also stated that this house is consistent with other developments in the subdivision.

Board's Decision: Eric Burnham moved to approve the variance request as presented, to include the Findings of Fact:

- The approval will not be injurious to the public health, safety, morals and general welfare of the community;
- The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner; and
- The strict application of the terms of the Zoning Ordinance, as amended from time to time, will result in practical difficulties in the use of the property.

Jeremy Kuiper seconded. After a roll call vote, the motion carried 4-0.

2. Julian – Developmental Variance

Owner/Petitioner: Jayme Julian, 8606 W 139th Place, Cedar Lake, Indiana

Vicinity: 8606 W 139th Place, Cedar Lake, Indiana

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII – Residential (R-2) Zoning District, Section 4: Area, Width and Yard Regulations, B. Front Yard: ... There shall be a front yard between the building line and the highway and street right-of-way lines as follows: 4) On all other streets, a distance of thirty (30) feet; **and**
C. Side Yard: On each lot, except as otherwise specified, there shall be two (2) side yards, each having a width of not less than eight (8) feet...; **and**
E. Building Coverage: Not more than twenty-five percent (25%) of the area of the lot may be covered by buildings and/or structures.

Petitioner is requesting a Developmental Variance to allow a front yard setback of approximately twenty (20) feet, a side yard setback of approximately two (2) feet, and total lot coverage of approximately thirty percent (30%).

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

Petitioner's Response: Jayme Julian was present at tonight's meeting to request a variance to build a garage and addition to her existing home. Ms. Julian explained that the garage will require a front and side yard setback. Ms. Julian also stated that the garage will be built on top of her existing driveway, where she already parks her vehicle.

Remonstrators: None.

Building Department's Comments: Recording Secretary Jenn Montgomery stated that she received three (3) phone calls from adjacent property owners about this variance, and that no one had any problem with her proposal.

Board's Discussion: Tim Kubiak inquired if the garage will be even with the house in the front yard. Yes, the garage will be even with the existing residence, but since the setback requirement is more than that, she was required to get a variance. Discussion occurred regarding the two (2) foot variance on the side yard, and issues with accessibility were discussed. Tim Kubiak stated there would be no way to make the garage any smaller, as it is already only eleven (11) feet wide. Diane Cusack pointed out that the two (2) foot variance is only for the front corner of the garage, as the lot widens.

Board's Decision: Eric Burnham moved to approve the variance as requested, with the contingency that the side yard is to remain open and free of any other structures or items, to include the Findings of Fact:

- The approval will not be injurious to the public health, safety, morals and general welfare of the community;
- The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner; and
- The strict application of the terms of the Zoning Ordinance, as amended from time to time, will result in practical difficulties in the use of the property.

Diane Cusack seconded. After a roll call vote, the motion carried 3-1, with Jeremy Kuiper voting against.

Correspondence: None.

Public Comment: None.

Adjournment: Meeting was adjourned at approximately 7:30 p.m.

Press Session: None

Diane Cusack

Tim Kubiak

Eric Burnham

Jeff Bunge, Vice Chairman

Jeremy Kuiper, Chairman

Attest: _____
Jenn Montgomery, Recording Secretary