

**Town of Cedar Lake – Board of Zoning Appeals**  
**Public Meeting Minutes**  
**March 15, 2012**

The Cedar Lake Board of Zoning Appeals held their Public Meeting on Thursday, March 15, 2012. The meeting was called to order at approximately 7:04 p.m. at the Cedar Lake Town Hall. Those Members present were: Tim Kubiak, Eric Burnham, Diane Cusack and Jeff Bunge, Vice Chairman. Attorney David Austgen, of Austgen, Kuiper & Associates, Ian Nicolini, Town Administrator, and Jenn Montgomery, Recording Secretary, were also present. Jeremy Kuiper, Chairman, was not present.

**Minutes:** Eric Burnham moved to approve the Minutes of the January 19, 2012 meeting and February 16, 2012 meeting, with corrections. Diane Cusack seconded. After a voice vote, the motion carried unanimously.

**Public Hearings:**

**New Business:**

**1. Prater – Developmental Variance**

Owner/Petitioner: Edgar M. & Penelope J. Prater, 9710 W 125<sup>th</sup> Avenue, Cedar Lake, Indiana

Vicinity: 9710 W 125<sup>th</sup> Avenue, Cedar Lake, Indiana

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VII – Residential (R-1) Zoning District, Section 4: Area, Width and Yard Regulations, A. ... “a lot width of not less than ninety (90) feet at the building line shall be provided for every building or other structure erected...”; and B. ...“Each front yard in this Residential Zoning District shall extend across the full width of the zoning lot and lying between the lot line which fronts on a street and the nearest line of the principal building on which the main entrance to said building exists.”

*Petitioner is requesting a Developmental Variance to allow a lot width of twenty feet (20') at the building line.*

**Attorney to Review Legals:** Attorney David Austgen stated the notices and publications are in order for tonight's meeting. Attorney Austgen discussed legal issues regarding the remonstrators' concerns. The Board of Zoning Appeals is only able to deal with what is submitted and is constrained to the facts and applications.

**Petitioner's Response:** Not Present.

**Remonstrators:** Larry Dotson of 12516 Parrish was present at tonight's meeting with concerns of drainage, as his property runs along the strip where the driveway is proposed to be. Robert Kiel of 12524 Parrish Avenue stated concerns about who is actually taking care of the parcel in question and whether or not there are any rights to property owners who care for the parcel. Barbara Smith of 12525 Parrish Avenue stated concerns regarding the safety of having a driveway on an area of Parrish where there is a curve. Discussion occurred regarding why the homeowner could not make it to tonight's meeting.

**Building Department's Comments:** Ian Nicolini stated he would look into the possibility of obtaining an ingress/egress off 125<sup>th</sup> Avenue instead of having the driveway coming off Parrish Avenue. Mr. Nicolini stated he would also contact the homeowner about tonight's meeting and concerns that were raised.

**Board's Discussion:** None.

**Board's Decision:** Eric Burnham moved to continue this item to the April Public Hearing and to keep the public hearing open in order to allow remonstrators to speak at the next meeting, if they wish. Diane Cusack seconded. After a roll call vote, the motion carried 4-0.

**2. Reich – Use Variance**

Owner: Cedar Lake Ventures One, LLC, 1001 E Summit Street, Crown Point, IN

Petitioner: Robert Reich, 9309 W 143<sup>rd</sup> Place, Cedar Lake, IN

Vicinity: 13316 Lincoln Plaza, Cedar Lake, Indiana

Request: Petitioner is requesting a Variance of Use from Zoning Ordinance No. 496, Title XII, Neighborhood Business (B-1) Zoning District;

*This Use Variance request is to allow the operation of a tattoo parlor **and** to allow a secondary use of a tattoo parlor within a barber shop.*

Attorney to Review Legals: Attorney David Austgen stated the notices and publications are in order for tonight's hearing, but that approval should be contingent upon the last green card being returned. Attorney Austgen stated that items contained in the Findings of Fact for the Board of Zoning Appeals may present a problem and that the burden of proof is on the Petitioner.

Petitioner's Response: Robert Reich, owner of Bud's Barber Shop, was present at tonight's meeting. Mr. Reich stated that in his store, he operates a barber shop, and that he would like to open a tattoo parlor in the rear of the store. There will be a separate entrance from the rear that will be for the tattoo parlor only. There will be a wall that will keep the two (2) businesses separate. Mr. Reich explained that he used to operate and work at Ouch Ink across the street. Mr. Reich also stated that there will be cameras on the building by the rear entrance. The neighboring businesses have also been notified, including the Community Arts Center, and no one has had any issues with this proposal. As the neighboring businesses are tenants in the building, the owner of the building received notice, but the tenants did not. However, Mr. Reich did go door to door to let the neighbors know what his intentions are.

Remonstrators: None.

Building Department's Comments: Ian Nicolini asked how the businesses will be separated. Mr. Reich stated that there will be a partition wall that will separate the tattoo parlor from the barber shop. Mr. Reich's office will also help to separate the businesses. Ian Nicolini stated concerns about the rear entrance, as there is no lighting or visibility. Mr. Reich stated that there are two poles in the rear area, and that he would be willing to pay for lighting in the back. Mr. Nicolini inquired about signage for the tattoo shop. Robert Reich stated there will be a sign on the back of the building only. This has been cleared with the landlord. There may also be one (1) small sign in the front, but nothing large. Ian Nicolini asked about hours of operation for the tattoo parlor. Hours would be approximately Tues through Thursday, 12:00 p.m. – 10:00 p.m.; Friday and Saturday, 12:00 p.m. – 11:00 p.m.; Sunday, 12:00 p.m. – 6:00 p.m. and will be appointment only, and the shop will be closed on Monday.

Board's Discussion: Discussion occurred regarding the rear entrance. Tim Kubiak stated he would prefer there only be an entrance in the front. The Board stated that they have no problem with a secondary use of a tattoo parlor, but that they would prefer having the entrance being in the front. Diane Cusack asked if there are any licenses that need to be obtained in order to operate a tattoo shop. Mr. Reich stated that there is no requirement in the state of Indiana, but that there are some guidelines for cleanliness, etc. However, Mr. Reich stated that he would be more than happy to have inspections done at the site. Diane Cusack asked if there will be separate rooms in the tattoo shop. There will be four (4) sections in the back, one (1) will be for piercing and the rest will be for tattoos. Tim Kubiak stated that he would like to see a plan on how the two (2) businesses could work together if the only entrance was in the front of the building. The Board agreed that Mr. Reich come back to April's meeting with an outlined business plan.

Board's Decision: Diane Cusack moved to continue this item to the April public meeting. Tim Kubiak seconded. After a roll call vote, the motion carried 4-0.

**Correspondence:** None.

**Public Comment:** None.

**Adjournment:** Meeting was adjourned at approximately 8:01 p.m.

**Press Session:** None

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Diane Cusack

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Tim Kubiak

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Eric Burnham

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Jeff Bunge, Vice Chairman

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Jeremy Kuiper, Chairman

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