

Town of Cedar Lake – Board of Zoning Appeals
Public Meeting Minutes
June 14, 2012

The Cedar Lake Board of Zoning Appeals held their Public Meeting on Thursday, June 14, 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 Jeremy Kuiper, Chairman. Attorney Tim Kuiper, of Austgen, Kuiper & Associates, Building Commissioner Jack Slager, and Jenn Montgomery, Recording Secretary, were also present. Vice Chairman Jeff Bunge and Town Administrator Ian Nicolini were not present at tonight's meeting.

Minutes: Eric Burnham moved to approve the Minutes of the May 10, 2012 Public Meeting. Diane Cusack seconded. After a voice vote, the motion carried unanimously.

Public Hearings:

New Business:

1. Demoff – Developmental Variance

Owner/Petitioner: Brian Demoff, 14811 Euclid Street, Cedar Lake, Indiana

Vicinity: 14811 Euclid Street, 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: D. Rear Yard: there shall be a rear yard on not less than twenty-five percent (25%) of the depth of the lot.

Petitioner is requesting a Developmental Variance to allow a deck within the required rear yard setback of thirty-two and one-half (32.5) feet. The setback including the proposed deck will be approximately twenty (20) feet.

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

Petitioner's Response: Brian Demoff stated he would like to extend a twelve by twelve (12'x12') deck off his existing deck. The deck will connect to the pool that is being installed.

Remonstrators: None.

Building Department's Comments: None.

Board's Discussion: Tim Kubiak asked if the proposed deck will remain in line with the existing deck. Mr. Demoff stated that it will.

Board's Decision: Tim Kubiak moved to grant the variance, as requested, 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.

Eric Burnham seconded. After a roll call vote, the motion carried 4-0.

2. Midwest PGM – Special Use/Use Variance

Owner/Petitioner: Richard C Thiel, Jr., 11363 W 135th Place, Cedar Lake, Indiana

Vicinity: 13513 Industrial Drive, Cedar Lake, Indiana

Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XVI – Light Industrial (M-1) Zoning District, Section 2: Use Regulations: B. The following uses may be permitted, provided they are approved by the Board of Zoning Appeals and are subject to any conditions placed upon them by the Board of Zoning Appeals: 7) Auto wrecking...
Petitioner is requesting a Use Variance from Zoning Ordinance No. 496, Title XVI – Light Industrial (M-1) Zoning District.

Petitioner is requesting a Special Use Variance to allow auto-wrecking in conjunction to the existing business. Petitioner is requesting a Use Variance to allow auto-wrecking as a secondary use.

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

Petitioner's Response: Richard Thiel, Sr. was present at tonight's meeting on behalf of Richard Thiel, Jr., Petitioner.

Remonstrators: None.

Building Department's Comments: None.

Board's Discussion: Tim Kubiak asked what the auto-wrecking will consist of. Mr. Thiel stated that fluids will be taken out of the vehicles, tires will be taken off, the vehicles will be flattened and will then be taken off site. Discussion occurred regarding whether or not parts will be taken out to be sold. Mr. Thiel stated that no resale of any parts will be taking place. The cars will simply be wrecked and taken off site. Mr. Thiel indicated that usually only three (3) vehicles will fit on the trailer at a time. Tim Kubiak asked what will be done with the glass from the vehicles. Mr. Thiel stated that there is usually no glass in the vehicles when they come in, but any that is still present falls into the vehicles when they are smashed. Discussion occurred regarding how many cars will be on site at a time. Tim Kubiak stated he would like to put a limit on how many can be allowed at any given time. Jeremy Kuiper inquired about HAZMAT regulations. Mr. Thiel stated that containers are on site for the removal of all fluids.

Board's Recommendation to the Town Council – Special Use Variance: Tim Kubiak moved to send a favorable recommendation to the Town Council to allow auto-wrecking in conjunction to the existing business, contingent that no more than ten (10) cars be allowed on the site at any one time and that no resale of parts be allowed, 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;
- The need for the Variance arises from some condition peculiar to the property involved;
- The strict application of the terms of the Zoning Ordinance, as amended from time to time, will constitute an unnecessary hardship if applied to the property for which the Variance is sought; and
- The approval does not interfere substantially with the Comprehensive Master Plan of the Town.

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

Board's Recommendation to the Town Council – Use Variance: Tim Kubiak moved to send a favorable recommendation to the Town Council to allow auto-wrecking as a secondary use, 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;
- The need for the Variance arises from some condition peculiar to the property involved;
- The strict application of the terms of the Zoning Ordinance, as amended from time to time, will constitute an unnecessary hardship if applied to the property for which the Variance is sought; and
- The approval does not interfere substantially with the Comprehensive Master Plan of the Town.

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

3. Miller – Developmental Variance

Owner/Petitioner: Andrew and Diane Miller, 12836 Hess Street, Cedar Lake, Indiana

Vicinity: 12836 Hess Street, 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: D. Rear Yard: there shall be a rear yard on not less than twenty-five percent (25%) of the depth of the lot.

Petitioner is requesting a Developmental Variance to allow a deck within the required rear yard setback of 29.25 feet. The setback including the proposed deck will be less than twenty (20) feet.

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

Petitioner's Response: Andrew Miller stated that the exit off the back of his home steps down. Mr. Miller stated he would like to construct a twelve by twenty-four (12'x24') deck so that he may walk straight out, rather than have steps.

Remonstrators: None.

Building Department's Comments: None.

Board's Discussion: Discussion occurred regarding the setbacks of the lots in this neighborhood and that variances in this area are common, as there is no room for rear yard setbacks.

Board's Decision: Tim Kubiak moved to approve the variance as requested, 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 4-0.

4. Taylor – Developmental Variance

Owner/Petitioner: Michael S Taylor, 7124 W 144th Avenue, Cedar Lake, Indiana
Vicinity: 7124 W 144th Avenue, Cedar Lake, Indiana
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI – Fence Regulations, Section 1: B. Fences shall not be allowed in front yards, except: 1) Residential area not served by sidewalks may have front yard fences with a maximum height of forty-eight (48) inches; 2) A setback of six (6) feet from the front property line shall be required.

Petitioner is requesting a Developmental Variance to allow a six (6) foot fence on the property line of the front yard facing a dedicated and unimproved street.

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

Petitioner's Response: Michael Taylor stated he has three (3) front yards, as he lives on a corner lot, which also runs along a dedicated and unimproved street. Mr. Taylor stated he would like to enclose his yard with a six foot (6') privacy fence along the unimproved road. There was previously a four foot (4') fence that has since been taken down.

Remonstrators: None.

Building Department's Comments: Jack Slager stated he has looked at the property and everything is fine. Mr. Taylor will just need to amend his current building permit for his fence.

Board's Discussion:

Board's Decision: Eric Burnham moved to grant the variance as requested, 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.

Tim Kubiak seconded. After a roll call vote, the motion carried 4-0

Public Comment: None.

Adjournment: Meeting was adjourned at approximately 7:23 p.m.

Press Session: None

Diane Cusack

Tim Kubiak

Eric Burnham

Jeff Bunge, Vice Chairman

Jeremy Kuiper, Chairman

Attest: _____
Jenn Montgomery, Recording Secretary