

**Town of Cedar Lake – Board of Zoning Appeals
Public Meeting Minutes
January 17, 2013**

Call to Order: 7:03 p.m.

Roll Call:

Present	Eric Olson Member	Absent	Tim Kuiper Town Attorney
Present	Julie Rivera Member	Present	Jack Slager Building Commissioner
Absent	Tim Kubiak Member	Present	Jenn Montgomery Recording Secretary
Present	Jeff Bunge Vice Chairman		
Present	Jeremy Kuiper Chairman		

Election of Officers:

- A. Chairman:** Motion by Jeff Bunge and seconded by Julie Rivera to nominate Jeremy Kuiper as Chairman. No further nominations were made. After a voice vote, the motion carried 4-0.
- B. Vice Chairman:** Motion by Jeremy Kuiper and seconded by Julie Rivera to nominate Jeff Bunge as Vice Chairman. No further nominations were made. After a voice vote, the motion carried 4-0.

Retention of Services:

- A. Legal Services:** Motion by Eric Olson and seconded by Jeff Bunge to retain Austgen, Kuiper & Associates. No further nominations were made. After a voice vote, the motion carried 4-0.
- B. Engineering Services:** Motion by Jeff Bunge and seconded by Eric Olson to retain Christopher B Burke Engineering. No further nominations were made. After a voice vote, the motion carried 4-0.

Minutes: Building Commissioner Jack Slager noted a wording correction in the minutes. Motion by Jeff Bunge and seconded by Julie Rivera to approve the minutes of the December 13, 2012 Public Meeting, with corrections. After a voice vote, the motion carried 4-0.

Public Hearings

Old Business:

1. Pritt – Developmental Variance

Owner/Petitioner: David Pritt, 12704 Webster Street, Cedar Lake, Indiana
Vicinity: 12704 Webster Street
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: 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**
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 area of the depth of the lot; **and**
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: 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 an eighteen by thirty (18x30) foot deck within the required side yard setbacks, within the required rear yard setback of twenty-five (25) feet and to allow more than twenty-five percent (25%) lot coverage. The proposed deck will have side yard setbacks of less than eight (8) feet on either side, a rear yard setback of approximately fifteen and one-half (15.5) feet and lot coverage totaling approximately thirty-five percent (35%).

Final Continuance granted December 13, 2012

Attorney to Review Legals: Attorney Tim Kuiper stated this item was properly advertised and properly continued to tonight's meeting.

Petitioner's Comments: Not present.

Board's Decision: Motion by Jeff Bunge and seconded by Julie Rivera to remove this item from the agenda. After a roll call vote, the motion carried 4-0.

New Business:

1. Richardson – Developmental Variance

Owner/Petitioner: Tracy Richardson, 9804 W 136th Lane, Cedar Lake, Indiana

Vicinity: 9804 W 136th Lane

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: 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 the aggregate width of both side yards on any lot shall not be less than twenty percent (20%) of the width of the lot; and
Section 5: Building Size: B. Attached Garages: Maximum attached garage size shall be eight hundred sixty-four (864) square feet.

Petitioner is requesting a Developmental Variance to allow an addition to an attached garage, for a total garage size of approximately nine hundred eighty (980) square feet, with a side yard setback of approximately four (4) feet.

Approval granted for same request in July, 2005.

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

Petitioner's Comments: Not Present.

Remonstrators: None.

Building Department's Comments: Jack Slager stated issues with the request. The house appears to have had multiple additions constructed already. After some calculations, it appears that the side yard setback is actually three and one half (3½) feet, rather than four (4) feet. The neighboring home is relatively close to the east property line, so little room would be limited. Jack Slager recommended that the variance be deferred. If the garage addition was reduced from sixteen (16) feet to twelve (12) feet, not only would the addition be within the required side yard setback, but the garage size would also be in compliance. Without a building plan, it is unclear whether or not the addition would be a two-story or single-story addition.

Board's Discussion: This item will be discussed at the next meeting.

Board's Decision: Motion by Jeff Bunge and seconded by Julie Rivera to continue this item to the next public meeting. After a voice vote, the motion carried 4-0.

2. Mockovak – Developmental Variance

Owner: Emily Christine Bruns, 13374 Osborne Street, Cedar Lake, Indiana

Petitioner: Jenkins Builders, 11218 Wicker Avenue, Cedar Lake, Indiana

Vicinity: 13374 Osborne Street

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 an addition with a front yard setback of approximately sixteen (16) feet.

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

Petitioner's Comments: Todd Jenkins, of Jenkins Builders, stated that the proposed addition will be on the side of the existing home, but because the house is on a corner lot, it is technically a front yard. The addition sits approximately sixteen (16) feet from the right-of-way, but will be approximately thirty-six (36) feet from the existing road. Christine Mockovak (Bruns) stated that a garage existed when she purchased the home, but it was torn down due to its condition. Todd Jenkins stated that the existing foundation will be removed and replaced with the new addition.

Remonstrators: None.

Building Department's Comments: Jack Slager stated there is an existing foundation where the garage will sit. The rest of the addition will be to the rear of the home. The addition will meet all other zoning requirements.

Board's Discussion: Jeremy Kuiper confirmed that a garage existed at one time, but was torn down because of its poor condition. Ms. Mockovak stated that she had to wait to replace the garage until she could get a land survey of her property, which was done by Jenkins Builders.

Board's Decision: Motion by Jeff Bunge and seconded by Eric Olson 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.

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

3. Blagojevic – Use Variance

Owner/Petitioner: Peter Blagojevic, 13567 Utopia Drive, Cedar Lake, Indiana

Vicinity: 14422 Morse Street

Request: Petitioner is requesting a Use Variance from Zoning Ordinance No. 496, Title XII – Neighborhood Business B-1 Zoning District, Section 2: Use Regulations

Petitioner is requesting a Use Variance to allow a resale shop, to include the sales of furniture, electronics and household goods. Petitioner is also requesting a Use Variance to allow a secondary use to include computer and electronic repair and sales.

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

Petitioner's Comments: Peter Blagojevic stated he would like to open a resale shop to include the above-mentioned requests. Mr. Blagojevic stated that he has multiple storage units with merchandise and goods that he would like to get rid of.

Remonstrators: None.

Building Department's Comments: Jack Slager stated he has done an inspection for electric service. The electric panel that was in the building was pretty antiquated, so Mr. Slager requested that this be replaced. This was done and the inspection was approved.

Board's Discussion: Jeremy Kuiper asked if anything needs to be done to the building. Pete Blagojevic stated he will not be remodeling anything in the building. Discussion occurred regarding hours of operation. Jeremy Kuiper asked if there will be any outdoor storage; no. Jeff Bunge asked how big the space is in the building; 900 square feet. Jeremy Kuiper asked if any additional signage will be added to the building. Pete Blagojevic stated that he will probably add a sign in the spring, but that it will remain within the ordinance regulations. Discussion occurred regarding parking. There will be approximately five to seven (5-7) spaces in front of the store, but there are many spaces to the south and west side of the building as well.

Board's Recommendation to the Town Council: Motion by Jeff Bunge and seconded by Eric Olson to send a Favorable Recommendation to the Town Council, contingent that hours of operation do not extend beyond 6:00 p.m., 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.

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

Public Comment: None.

Adjournment: Meeting was adjourned at approximately 7:35 p.m.

Julie Rivera

Tim Kubiak

Eric Olson

Jeff Bunge

Jeremy Kuiper

Attest: _____
Jenn Montgomery, Recording Secretary