

**Town of Cedar Lake – BZA  
Public Meeting Minutes  
June 13, 2013**

**Call to Order:** 7:00 p.m.

**Roll Call:**

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

**Old Business:**

**1. David Pritt – Developmental Variance**

Owner/ Petitioner: David Pritt, 12704 Webster Street, Cedar Lake, In 46303  
Vicinity: 12704 Webster Street, Cedar Lake, IN 46303

Request: 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%).

- (1) Petitioner's Comments: Owner would like to build a deck off the back of house, yard is too small.
- (2) Attorney to Review Legal's: Properly continued at last meeting.
- (3) Remonstrators: None
- (4) Building Departments Comments: Jack Slager stated that the lot is of an unusual shape. The total lot width is only thirty-seven and a half (37.5) feet and the current house sits approximately three (3) feet off of the North property line and has a shallow back yard. The whole house is only twenty-two (22) feet wide. The deck is to be width of house. After the addition he would have eighteen (18) feet of depth off of back of house.
- (5) Boards Discussion: Other than a detached garage there are no other accessory buildings.
- (6) Board's Decision: Tim Kubiak motions to grant variance as requested for an 18x22 foot deck with all applicable variances. Jeff Bunge seconds motion. After roll call the motion carried 3-0.

**New Business:**

**1. O'Reilly Automotive Stores – Developmental Variance**

Owner/Petitioner: O'Reilly Automotive Stores, INC., 233 Patterson Ave.,  
Springfield, MO 65802  
Vicinity: 10205 W. 133<sup>rd</sup> Ave., Cedar Lake, IN 46303  
Request: Petitioner is requesting a Developmental Variance to allow signage to be attached to the building, sign size is 109.49 square feet, and the free standing sign is 108 square feet.

- (1) Petitioner's Comments: Mike Yates; district manager for O'Reilly Auto Parts. Sign requested is standard prototype on 180 stores.
- (2) Remonstrators : None
- (3) Attorney to Review Legal's: Notices and Publications are in order at this time.
- (4) Building Departments Comments: Per Jack Slager, sign is to be towards front of parking lot, pole is set back ten (10) feet from right of way which would make the sign up to the

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right of way. All parts of the sign are required to be ten (10) foot from right of way. This would require a separate variance if the proposed sign size is approved. The Town currently has an eighty (80) foot right of way.

- (5) Boards Discussion: Tim Kubiak is comfortable with sign location just not sign size. Kubiak stated that the size of the proposed sign is almost double what the ordinance allows which is sixty (60) square feet in size. Kubiak would like the sign size to be reduced to similar signs size as other businesses in that area such as Family Dollar, for example. The Committee discussed a possible sign size of eighty (80) square feet and requested that the Petitioner bring in some alternative size signs to propose at the next BZA meeting.
- (6) Board's Decision: Motion to defer free standing sign request until next meeting on July 11, 2013 where they can review alternative sign options at this time made by Tim Kubiak and seconded by Jeff Bunge. Motion passes 3-0. Motion to approve the attached building signage as requested of 109.49 square feet in size made by Tim Kubiak and seconded by Jeff Bunge. After roll call the motion carried 3-0.

## **2. BP Special Use Variance**

Owner: Herman Fisher, 7404 E. Plank Trail, Frankfort, IL 60423  
Petitioner: Cleon Stutler, 2155 Willow Creek Rd, Portage, IN 46368  
Vicinity: 13302 Wicker Ave., Cedar Lake, IN 46303  
Request: Petitioner is requesting a Use Variance from Zoning Ordinance No. 496 Title XIII to allow a second use for food service at a convenience store with a drive-up window.

- (1) Attorney to Review Legal's: Notices and Publications are in order at this time.  
(2) Petitioners Comments : None  
(3) Remonstrators : None  
(4) Building Departments Comments: Per Jack Slager, owner wishes to defer one month as they are finalizing a site plan and preliminary plot for approval.  
(5) Boards Discussion : None  
(6) Board's Decision: Motion to defer by Tim Kubiak and seconded by Jeff Bunge. After roll call the motion carried 3-0.

## **3. John Fladeland – Developmental Variance**

Owner/ Petitioner: John Fladeland Jr., 15055 Ivy St., Cedar Lake, IN 46303  
Vicinity: 15055 Ivy St., Cedar Lake, IN 46303  
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI to allow a six (6) foot fence to be placed on the property line of a rear yard classified as a "front yard."

- (1) Attorney to Review Legal's: Notifications and Publications are in order at this time.  
(2) Petitioners Comments: Looking to install a solid six (6) foot white PVC fence. Yard backs up to Parrish Avenue. Owner has a small child and dogs and is concerned about safety.  
(3) Remonstrators : None  
(4) Building Departments Comments: Per Jack Slager, property is in Lynns way at the very South end, one lot off the intersection of 151<sup>st</sup>. across from flea market. Has a forty (40) foot right of way dedication for Parrish Ave, eighteen (18) of that is road with curb; still has twenty-two (22) feet of parkway then owners yard begins. If following law, then fence would have to be setback thirty (30) feet which would then be five (5) feet off the back of owner's house. Hence reason for variance.  
(5) Boards Discussion: Board noted that the fence would be on a utility easement and if access to this easement was ever needed the owner must make this access available. John Fladeland acknowledged this statement and would fully comply with any future access requests.  
(6) Board's Decision: Motion by Tim Kubiak and seconded by Jeff Bunge to approve variance request allowing a six (6) foot fence to be place on the property line of a rear yard classified as a "front yard." After roll call the motion carried 3-0.

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**4. Bob Schmitt – Developmental Variance**

Owner/Petitioner: Bob Schmitt, 14010 Wheeler St., Cedar Lake, IN 46303  
Vicinity: 14010 Wheeler St., Cedar Lake, IN 46303  
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title B XXIII to allow a metal carport located three (3) feet from property line (unimproved 140<sup>th</sup> St.) soon to be enclosed as a garage ( site of former garage).

- (1) Attorney to Review Legal's: Notices and Publications are in order at this time.
- (2) Petitioners Comments: Currently has a steel carport and is looking to use it as a shed until such time that an addition can be built to his home.
- (3) Remonstrators : None
- (4) Building Departments Comments: Building would be two (2) feet closer to the house and would follow the same line as driveway on North side. However an unimproved street is on the North side of property line. No permit was obtained for current structure and concrete slab was already poured.
- (5) Boards Discussion: Per Tim Kubiak, Town ordinance does not allow metal frame buildings and is currently in violation of Town Code. Kubiak requested that the Committee research the Ordinance for more clarification on the definition of carports.
- (6) Board's Decision: Motion by Tim Kubiak and seconded by Jeff Bunge to defer Petitioner's request until next meeting on July 11, 2013. After roll call the motion carried 3-0.

**5. Brett Zandstra – Developmental Variance**

Owner/Petitioner: Brett Zandstra, 404 77<sup>th</sup> Ave., Dyer, IN 46311  
Vicinity: 13702 Deoder St., Cedar Lake, IN 46303  
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII to allow a house to be build exceeding the twenty-five (25%) lot coverage (25.2% actual coverage), and rear yard setback less than twenty-five percent (25%).

- (1) Attorney to Review Legal's: Notifications and Publications are in order at this time.
- (2) Petitioners Comments: The Petitioner is requesting to build a house on this lot. He acknowledges the small lot size and current building restrictions.
- (3) Remonstrators : None
- (4) Building Departments Comments: Jack Slager stated that lot is unique. This lot is a corner lot, entrance to Winding Creek, has a five (5) foot no access easement across North property line, forcing driveway to come out on Deoder. Property has two addresses. 1700 square foot ranch with a two car garage. The homeowner made it fit with eight (8) feet on West side (side yard) and twenty (20) feet on South side (rear yard).
- (5) Remonstrators : None
- (6) Boards Discussion: The loot coverage is twenty-five point two (25.2). The Board stated that if this request was granted, the Petitioner could not apply for any future variances requesting permission to build a pool, deck, or accessory structure given the unique lot size and proposed building structure.
- (7) Board's Decision: Motion by Tim Kubiak and seconded by Jeff Bunge to grant variance as requested to include the findings of fact. After roll call the motion carried 3-0.

**6. Tim Hall/ HB Property Management – Developmental Variance**

Owner: Tim B. Hall, 701 E. 137<sup>th</sup> Ave., Crown Point, IN 46307  
Petitioner: HB Property Management LLC, 701 E. 137<sup>th</sup> Ave., Crown Point, IN 46307  
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII to extend the rear deck eight (8) feet into the required rear yard.

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- (1) Attorney to Review Legal's: Notices and Publications are in order at this time.
- (2) Petitioners Comments: New home currently under construction, rear setback is four (4) feet off back of house and he would like to build a twelve (12) foot deck.
- (3) Remonstrators : None
- (4) Building Departments Comments: Per Jack Slager the rear yard required at twenty-five (25) % is twenty-nine point five (29.5) feet, a twelve (12) foot deck encroach eight (8) foot. The property backs up to Lemon Lake.
- (5) Boards Discussion : None
- (6) Board's Decision: Tim Kubiak motions to grant variance as requested to include the findings and fact, Motion seconded by Jeff Bunge. After roll call the motion carried 3-0.

**7. Monastery Woods Developmental – Developmental Variance**

Owner: Monastery Woods Development, LLC, 131 Ridge Road, Munster, IN 46321

Petitioner: McFarland Homes VI, LLC, 2300 Ramblewood Dr., Suite A, Highland, IN 46322

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title IX to reduce rear yard setback from thirty (30) feet to twenty- three (23) feet. (Note: Original developer was approved for previous variance request in April 2006 to reduce rear-yard setback from thirty-five (35) feet to thirty (30) feet.)

- (1) Attorney to Review Legal's: Notifications and Publications are in order at this time.
- (2) Petitioners Comments: Richard Anderson, looking to reduce yard setback from thirty (30) feet to twenty-three (23) feet so that decks, sunrooms, and screen porches can be built in required setback.
- (3) Remonstrators: Lisa Jaranowski, 10030 Unit C, owns Lot 313 backs right up to new construction. Worried that the new property owners will say that her yard is in fact part of the new owner's yard. Also worried about privacy. Would like to see builder or developer install something to distinguish property lines; shrubs, evergreens, etc.
- (4) Building Departments Comments: Wants to know if Lots 254 & 255, which are included in the variance that is currently under construction, plan on being added on too.
- (5) Boards Discussion : Tim Kubiak has an issue with the twenty-three (23) foot setback instead of thirty (30) if builder doesn't plan on using the seven (7) foot for a sunroom, deck, or screen porch only.
- (6) Board's Decision: Tim Kubiak motioned to grant the developmental variance as requested, excluding Lot 255, with the condition that these lots could only build a sunroom, deck, or screened in porch in the additional space provided by the decreased set back. Jeff Bunge seconds motion. The Board also waived the ninety (90) day expiration date to apply for a permit, and voted to allow this variance request to never expire. After roll call the motion carried 3-0.

**Public Comment:** Matt Degnan of 9801 W.136<sup>th</sup> Lane requested that the Board to reconsider his previous petition for a developmental variance for his fence. Degnan stated that he acknowledges that he did not follow the variance process and built the fence without a permit and is willing to pay any fines necessary but would like his variance to be reconsidered. Degnan stated that he brought a letter from his neighbor that has no objections to his proposed fence location for the Board to consider. Jeremy Kuiper and Tim Kubiak stated that he feels confident in his previous decision and the Board will not reconsider his request and recommended that he rectify his fence according to their previous judgment.

**Adjournment:** The meeting was adjourned approximately 8:30 p.m.

**Press Session:** None

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Jim Hunley

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Greg Parker

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Diane Cusack

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Robert H. Carnahan, Vice President

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Julie Rivera

\_\_\_\_\_  
Tim Kubiak, President

\_\_\_\_\_  
John Foreman

Attest: \_\_\_\_\_  
April Allande – Recording Secretary