

**Town of Cedar Lake – BZA**  
**Public Meeting Minutes**  
**July 11, 2013**

**Call to Order:** 7:07 p.m.

**Roll Call:**

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

**Approval of June 13, 2013 minutes.**

Motion made by Tim Kubiak and seconded by Julie Rivera. Vote 5-0

**Old Business**

**1. O’Reilly Automotive Stores- Developmental Variance**

Owner/Petitioner: O’Reilly Automotive Stores, Inc., 233 S Patterson Ave., Springfield, MO 65802  
Vicinity: 10205 W 133<sup>rd</sup> St., Cedar Lake, IN 46303  
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXII, Section 3(A) states “the maximum sign sizes shall not exceed in the case of two (2) suck on-premise signs, one sign shall be no more than sixty square (60) feet in size and one sign shall be no more than thirty-two (32) square feet in size.”  
*This Developmental Variance is 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. (Note: During the June 13, 2013 BZA meeting, Committee approved building signage as requested and deferred free standing sign. Committee requested smaller sign options to be presented at the next meeting.)*

- (1) Attorney to Review Legal’s: This matter was properly continued for this month’s meeting, notices and publications are in order at this time per Town Attorney Tim Kuiper.
- (2) Petitioner’s Comments: Not present
- (3) Remonstrators: None
- (4) Building Departments Comments: Included in the packet are the dimensions of the proposed sign as well as comparisons of the signs in the nearby area. The closest largest sign is for Demotte State Bank, whom had also received a variance for their oversized sign. The proposed target of the sign at last month’s meeting was 80 square feet per Board Members. Their previous sign size proposal was 120 square feet and 30 feet high, the newly proposed dimensions are 78 square feet and 26 feet high. The other signs in the area are ground signs, this sign would be setback almost 80 feet from the additional right of way off 133<sup>rd</sup> because of the road.
- (5) Board’s discussion: The proposed sign dimensions seem reasonable considering it will be in line with the neighboring businesses.

Motion made by Tim Kubiak for the proposed sign at 26 feet in height and 78.125 square feet dimensions, seconded by Eric Olson.

Eric Olson	Julie Rivera	Tim Kubiak	Jeff Bunge	Jeremy Kuiper
YES	YES	YES	YES	YES

**2. BP- Special Use Variance**

Owner: Herman Fisher, 7404 E. Plank Trail, Frankfort, IL 60423  
Petitioner: Cleon Stutler, 2155 Willowcreek Rd, Portage, IN 46368  
Vicinity: 13302 Wicker Ave, Cedar Lake, Indiana 46303

Request:                   Petitioner is requesting a Use Variance from Zoning Ordinance No. 496, Title XIII- Community Business (B-2) Zoning District Section 3 states “The following uses may be allowed by special exception: drive-in restaurants.”  
*This Use Variance is 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 and properly continued to this month’s meeting per Town Attorney Tim Kuiper.
- (2) Petitioners Comments: Cleon Stutler stated their plans, currently an existing gas station and car wash are on the property, and we are proposing to build a new building and car wash. The land to the west of the current property has been purchased for drainage and retention. The new building will be 3,527 square feet; canopy location will be the same. The entrance will be 30 feet back from the current entrance. Prepared to spend \$2.5 million on the entire project, the car wash alone will cost around \$600,000. Suggested elevations are included in the packet, they are open to suggestions. Two additional gas islands are in the proposed plan, as well as offering diesel gas. Will not be facilitating semi-tractor trailers. The inside of the building is going to be an open concept with access to the Dunkin Donuts.
- (3) Remonstrators: None
- (4) Building Departments Comments: Jack Slager comments that many review needs to go into this project, this is the first step regarding the intended drive-up window to the Dunkin Donuts. Coordination between McDonald’s and this location are in order regarding the entrances as well as the accommodation of the new water line.
- (5) Boards Discussion:  
Motion to send a favorable recommendation to the Town Council for the variance as requested made by Tim Kubiak and seconded by Eric Olson.

Eric Olson	Julie Rivera	Tim Kubiak	Jeff Bunge	Jeremy Kuiper
YES	YES	YES	YES	YES

Vote 5-0

**3. Bob Schmitt- Developmental Variance**

Owner/ Petitioner: Bob Schmitt, 14010 Wheeler St., Cedar Lake, IN 46303  
Vicinity: 14010 Wheeler St., Cedar Lake, IN 46303  
Request: Developmental Variance from Zoning Ordinance No. 496, Title XXIII  
Accessory regulations, Section 1(A) states “There shall be a minimum of six (6) foot setback from any and all side and rear property lines and a minimum ten (10) foot separation or distance from all other buildings. Also, Section 1(A) states, “Metal and post building types of construction shall not be permitted in this Residential Zoning District as a Primary or Accessory use.”  
*This Developmental Variance is 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: Town Attorney Tim Kuiper states, this item was properly continued at last month’s meeting and as requested additional information regarding carports are enclosed. Title 20- Supplementary Zoning District Regulations, Section 6(A) states “A carport may be permitted over a driveway in a side yard, provided such structure is not more than one (1) story in height and twenty-five (25) feet in length and is entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features; however, said carport may not extend to within six (6) feet of side lot line.”

- (2) Petitioners Comments: No proposed change since last month’s meeting. Petitioner’s proposed carport is located at the north end of a dead end street. Petitioner’s plan is to have this as a 3 year fix until an addition can be made on their house. He stated that he is willing to change the dimensions of the intended “carport” to possibly make it meet the requirements of a shed.
- (3) Remonstrators: None
- (4) Building Departments Comments: Maximum square foot dimensions for an out-building is 200 feet or less.
- (5) Boards Discussion: The current carports dimensions are 18’ X 20’ square feet. The petitioner is willing to change the variance request from a carport to a shed, which is a maximum of 200 square feet. The petitioner’s current structural posts in place of the residing structure come to 216 square feet.

Motion made to grant a variance to allow the shed to be 216 square feet and a three (3) foot side yard setback, all with a building permit made by Tim Kubiak and seconded by Julie Rivera.

Eric Olson	Julie Rivera	Tim Kubiak	Jeff Bunge	Jeremy Kuiper
YES	YES	YES	YES	YES

Vote 5-0

**New Business**

**1. Amanda Eby- Developmental Variance**

Owner/ Petitioner: Amanda Eby, 8718 Truman Circle, Cedar Lake, IN 46303  
 Vicinity: 18718 Truman Circle, Cedar Lake, IN 46303  
 Request: Developmental Variance from Zoning Ordinance No. 496, Title VIII- Residential (R-2) Zoning District, Section 4 Area, Width, and Yard Regulations which states, “Rear yard: There shall be a rear yard not less than twenty-five percent (25%) of the depth of the lot. Building Coverage: Not more than twenty-five percent (25%) of the area of the lot may be covered by buildings and/or structures.”  
*This Developmental Variance is to allow a deck to be built exceeding the twenty-five percent (25%) lot coverage (35% actual lot coverage), and rear yard setback less than twenty-five percent (25%). The proposed deck would be four (4) feet from the rear property line.*

- (1) Attorney to Review Legal’s: Notices and publications are in order at this time per Town Attorney Tim Kuiper.
- (2) Petitioners Comments: Currently has a building permit to begin the allowable work on her deck. The rear property line from the pool is 13 feet; petitioner is requesting 6 of those feet to be allowable for the deck.
- (3) Remonstrators: None
- (4) Building Departments Comment: Currently has a permit for the first half of the deck and this second portion will require an amended building permit.
- (5) Board Discussion: The deck must be at least 6 feet from the side yard property line and a percentage from the rear property line according to the Building and Zoning Regulations.

Motion made to grant the requested variance with a 6 foot rear setback from the property line made by Julie Rivera and seconded by Eric Olson.

Eric Olson	Julie Rivera	Tim Kubiak	Jeff Bunge	Jeremy Kuiper
YES	YES	YES	YES	YES

Vote 5-0

**2. Dale Harrison- Developmental Variance**

Owner/ Petitioner: Dale Harrison, 12813 Foster St., Cedar Lake, IN 46303  
Vicinity: 12813 Foster St., Cedar Lake, IN 46303  
Request: Developmental Variance from Zoning No. 496, Title XXI- Fence Regulation, Section 1 Fences Located in Residential Zoning Districts which states, “Fences shall not be constructed of chain link, wire, or an equivalent type of material adjacent to any street” and “No fence shall be located in the front yard.”  
*This Developmental Variance is to allow a six (6) foot chain link fence with privacy slats to be placed in the front of a side yard serving as a divider from the adjacent commercial property restaurant/bar parking lot.*

- (1) Attorney to Review Legals: The notices and publications are in order for this item as requested, per Town Attorney Tim Kuiper.
- (2) Petitioner’s Comments: Dale Harrison, requesting this variance to be a divider from the neighboring bar parking lot. Currently has a 90 foot chain link fence, and at one point had shrubbery where the proposed fence would be located. He had the shrubbery removed because of illegal activities taking place there; petitioner also states he has heavy traffic through his yard at all hours of the day. Requesting the fence height to be six (6) foot, this will look like the same fence in place. The request for the fence is an additional 40 feet in length.
- (3) Remonstrators: None
- (4) Building Department’s Comments: no comment
- (5) Board’s Discussion:

Motion made to grant the variance as requested, to allow the six (6) foot chain link fence with the privacy slats due to the adjacent commercial property made by Tim Kubiak and seconded by Eric Olson.

Eric Olson	Julie Rivera	Tim Kubiak	Jeff Bunge	Jeremy Kuiper
YES	YES	YES	YES	YES

Vote 5-0

**3. Mike Ross- Developmental Variance**

Owner/Petitioner: Mike Ross, 14519 Lee St., Cedar Lake, IN 46303  
Vicinity: 14519 Lee St., Cedar Lake, IN 46303  
Request: Developmental Variance from Zoning Ordinance No. 496, Title VII- Residential (R-2) Zoning District, Section 4 Area, Width, and Yard Regulation which states, “Building Coverage: Not more than twenty-five percent (25%) of the area of the lot may be covered by buildings and/or structures” and “Title XXIII-Accessory Regulations which states, “There shall be a minimum six (6) foot setback from any and all side and rear property lines and a minimum of ten (10) foot separation or distance from all other buildings.”  
*This Developmental Variance is to construct a garage, 20’ X 24’ in size, to be built exceeding the twenty-five (25%) lot coverage, approximately seven (7) feet from the house, and five (5) feet of side yard off the property line.*

- (1) Attorney to Review Legals: The notices of publications are in order for this item as requested, per Town Attorney Tim Kuiper.

- (2) Petitioner’s Comments: He has purchased an older home, done remodeling to the inside as well as the outside. Previously had a one car garage, is requesting the variance to build a two car garage. The request states the variance is for the garage to be placed one (1) foot off of the property line but the garage will really be five (5) feet. The current ordinance between the house and the garage requires the (10) foot, the petitioner’s request is for seven (7) feet.
- (3) Remonstrators: None
- (4) Building Department’s Comments: Jack Slager recommends for the garage to be at least five (5) feet off of the side lot line for safety reasons.\_
- (5) Board’s Discussion: Concern for the neighbors shed being so close to the proposed garage; petitioner stated he had spoken with his neighbor and it will be moved if needed. Motion made to grant the requested variance for the five (5) foot side yard setback, to maintain the ten (10) foot building separation, and lot coverage as requested by Tim Kubiak and seconded by Jeff Bunge.

Eric Olson	Julie Rivera	Tim Kubiak	Jeff Bunge	Jeremy Kuiper
YES	YES	YES	YES	YES

Vote 5-0

4. John Hays- Special Use Variance

Owner/Petitioner: Johns Hays, 7304 W. 145<sup>th</sup> Ave., Cedar Lake, IN 46303  
Vicinity: 12841 Wicker Ave., Cedar Lake, IN 46303  
Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XIII- Community Business (B-2) Zoning District, Section 3 Special Use Exceptions, “Automobile service center.”  
*This Special Use Variance is to allow the sales, repair, and servicing of golf carts, scooters, and ATVs in a B-2 zoning district.*

- (1) Attorney’s to Review Legals: Notices and publications are in order for this request per Town Attorney Tim Kuiper.
- (2) Petitioner’s Comments: Moved locations and would like to sell in the new B-2 zoning district.
- (3) Remonstrators: None
- (4) Building Department’s Comments: no comment
- (5) Board’s Discussion: Nothing new is being done with the new location; all batteries are stored outside and are picked up weekly. Environmental Regulations have been brought to the petitioner’s attention; they are aware and currently adhere.  
Motion made to send a favorable recommendation to the Town Council for the use as well as no overnight parking in the front lot made by Tim Kubiak and seconded by Eric Olson.

Eric Olson	Julie Rivera	Tim Kubiak	Jeff Bunge	Jeremy Kuiper
YES	YES	YES	YES	YES

Vote 5-0

5. Megan McClain- Developmental Variance

Owner/Petitioner: Megan McClain, 10012 W. 128<sup>th</sup> Lane, Cedar Lake, IN 46303  
Vicinity: 10012 W. 128<sup>th</sup> Lane, Cedar Lake, IN 46303  
Request: Developmental Variance for Zoning Ordinance No. 496, Title VIII- Residential (R-2) Zoning District, Section 4 Area, Width, and Yard Regulations which states, “Rear yard: there shall be a rear yard not less than twenty-five percent (25%) of the depth of the lot. Building Coverage: Not more than twenty-five percent (25%) of the area of the lot may be covered by buildings and/or structures.”  
*This Developmental Variance is to allow a deck, 18’ X 30’ in size, to be built exceeding twenty-five percent (25%) lot coverage (35% actual lot coverage), and rear yard setback less than twenty-five percent (25%0), (29.25 feet required) with 17.76 actual setback.*

- (1) Attorney to Review Legals: The notices and publications are in order for this request per Town Attorney Tim Kuiper.
- (2) Petitioner’s Comments: Requesting to build a deck eighteen (18) feet off the house, her backyard is sloped. The proposed deck would be a total of five (5) feet from the end of the deck to the easement. Currently has an existing 10’ X 10’ patio that will be removed.
- (3) Remonstrators: none
- (4) Building Department’s Comments: Monastery Woods is a new subdivision, her yard is severely sloped. Many of the lots in this subdivision are built with no room to build a deck or a pool per Building and Zoning Ordinances. As a result, we will most likely be receiving requests for variances such as this one.
- (5) Board’s Discussion

Motion made to grant the variance as requested by Tim Kubiak and seconded by Eric Olson.

Eric Olson	Julie Rivera	Tim Kubiak	Jeff Bunge	Jeremy Kuiper
YES	YES	YES	YES	YES

Vote 5-0

Public Comment:

Amanda Eby, 8718 Truman Circle, Cedar Lake, IN 46303.  
Hunley’s bar is at the end of her street and the turn in is dangerous. There are wooden slots missing from their fence, which with the hill nearby it is allowing children to ride their bikes and skateboards down it. With the stop sign further down the road and the blind spot from the hill, this is putting children in high risk of getting hit by a car. The request is for a post to eliminate this attraction for kids on bikes and skateboards.  
Bob Carnahan 12850 Fairbanks St., Cedar Lake, IN 46303  
Saturday night at 7:30 p.m. July 20, 2013 Northwest Indiana Symphony will be performing at the Cedar Lake fairgrounds.

**Adjournment:** The meeting was adjourned approximately 8:22 p.m.  
**Press Session:** None.

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Jim Hunley

\_\_\_\_\_  
Greg Parker

\_\_\_\_\_  
Diane Cusack

\_\_\_\_\_  
Robert H. Carnahan, Vice President

\_\_\_\_\_  
Julie Rivera

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

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

Attest: \_\_\_\_\_  
Jessica Chick, Recording Secretary