

**Town of Cedar Lake – BZA
Public Meeting Minutes
September 12, 2013**

Call to Order: 7:00 p.m.

Roll Call:

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

Approval of August 8, 2013 public meeting minutes.

Motion made to defer the approval made by Tim Kubiak and seconded by Jeff Bunge. Vote 4-0

New Business

1. Barb Crepeau- Developmental Variance

Owner/ Petitioner: Barbara Crepeau, 541 Walnut Lane, Lowell, IN 46356

Vicinity: 7714 W. 134th Place, Cedar Lake, IN 46303

Legal Description: CEDAR POINT PARK L.21

Request: Petitioner is requesting a Developmental Variance of Use 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. Side Yard Coverage: 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 any less than twenty percent (20%) of the width 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 24' X 24' attached garage addition with second story living area to be built with an approximate three (3) feet side yard setback and approximately one (1) foot front yard setback.

- (1) Attorney to Review Legal's: Notices and publications are in order at this time per Town Attorney Tim Kuiper.
- (2) Petitioners Comments: Petitioner wants to add an attached garage with an above living space. She wants to make this her permanent residence, seeing that the addition will allow for more living space. There has never been a garage at this residence; the garage will come off of the house. The access to the building will be off of the east side with a total of three (3) doors into the garage. There is also a lot across the street for parking. A town engineer came out to the residence to review the lot and he advised them not to pave it because of drainage. This is not an uncommon recommendation on 134th Place. Many other people have garages close to the road in front of their homes. Many houses are being remodeled on the street. Once the cantilever and overhang are constructed, it will be over onto the neighbor's property. The twenty-four (24) foot width of the garage is really pushing the acceptance because of the side yard and front yard. It is suggested to reduce the depth of the garage to twenty-two (22) feet to allow for the overhang. The stairs will be cut into the garage and the extra two (2) feet allowed for more garage space. Petitioner is willing to accept the twenty-two (22) by twenty-four (24) garage size.
- (3) Remonstrators: Fred Hostiniey, 7708 134th Place, Cedar Lake, IN 46303. Remonstrator is for this variance. Appreciative of Michelle and Jack from the Building Department for all the help when he had reconstructed a home. He had spoken with many of the neighbors and they are not against this variance.
- (4) Building Departments Comment: not present.
- (5) Board's Discussion: A twenty-two (22) foot garage is realistic and although there is not much room to work with any larger is unrealistic because of the lot size. This is consistent with many of the other homes in the area. There is also a lot coverage issue included in this variance.
- (6) Board's Decision:
Motion made to grant the variance for a twenty-two (22) foot deep by twenty-four (24) foot wide two story attached garage, with the upstairs to follow the same footprint with no cantilever

included on the front or side of the house, and also the lot coverage made by Tim Kubiak and seconded by Eric Olson.

Eric Olson	Julie Rivera	Tim Kubiak	Jeff Bunge	Jeremy Kuiper
YES	ABSENT	YES	NO	YES

Vote 3-1

2. Harriet Woosley- Developmental Variance

Owner/ Petitioner: Harriet Woosley, 8030 W. 127th Lane, Cedar Lake, IN 46303
Vicinity: 8030 W. 127th Lane, Cedar Lake, IN 46303
Legal Description: SHADES ADDITION CEDAR LAKE PLAT L.M. BLOCK 5 LOTS 1 TO 4 & 21 TO 23
Request: Petitioner is requesting a Developmental Variance from Zoning No. 496, Title VIII- Residential (R-2) Zoning District, Section 4 Area, Width, and Yard Regulations which states, “There shall be a front yard between the building line and the highway street right-of-way line as follows: on all other streets, a distance of thirty feet.”
This Developmental Variance is to allow an 18’ X 24’ garage to be built with a three (3) foot side yard setback next to an unimproved road.

- (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: Anna George from Better Built is present to represent the owner. The vicinity is considered a corner lot, although the one road is undeveloped. In order to maintain the code requirements, this would mean that the garage would need to be built at the back corner lot. A driveway would need to be constructed with a turn into the garage if this were the case. Since the road, Hickory, is undeveloped the petitioner is requesting to build a garage three (3) feet from that side of her property line and twelve (12) feet off of the back of the house. The lot elevates in the back, the plan is to build a twelve (12) inch reverse wall in the back corner of the garage with concrete. One purpose is to maintain the driveway line while wanting the garage close to the home. The chances of Hickory St. being improved are very slim. According to the fire code ordinance, the ten (10) feet should be from the deck as well. If the garage is build three (3) feet off of the lot line, it will be six and a half (6.5) feet from the deck side to side. The owner wanted it closer for various reasons. The plan is to use a twelve (12) inch eave, which would change the measurements to two (2) feet. Petitioner is open for change in regards to the size of the eave. An eight (8) foot side yard is the ordinance for the construction of any building for a regular lot. Since this is a corner lot with the back brush overgrown, it is unclear as to why the owner wants the garage so close to it.
- (3) Remonstrators: None
- (4) Building Department’s Comments: not present.
- (5) Board’s Discussion: see Petitioner’s Comments. The setback will still need to be maintained from the back property line as well as the eight (8) foot side yard. The further back you go into the property the yard continues to climb, which would require a larger retaining wall. The garage would have to be built another six (6) feet further back to maintain the required ten (10) feet from the existing deck. By building with 5/8 drywall for the corner closest to the deck, that would allow for at least thirty (30) minute fire barrier. With the location of her property and Hickory St., it is considered that half of Hickory St. is her property. This would mean that there is thirteen (13) feet of side yard. There is no need for Hickory St. to exist because the lots behind her property can be accessed by 127th Ln.

Motion made to approve the variance as requested with the conditions of the front corner and eight (8) foot of the southwest wall being 5/8 drywall for fire safety as well as twelve (12) inch overhang, made by Tim Kubiak and seconded by Eric Olson.

Eric Olson	Julie Rivera	Tim Kubiak	Jeff Bunge	Jeremy Kuiper
YES	ABSENT	YES	NO	NO

Vote 2-2

- (6) Petitioner’s Comments/Board’s Discussion: Continued: Discussion of the eight (8) foot side yard ordinance being done. If the garage is built further from the property line, the garage with have to be turned another way. The hardship is the way of the land because of the elevation.

Motion to defer this item till the next Board of Zoning Appeals meeting on October 10, 2013 made by Tim Kubiak and seconded by Jeff Bunge.

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

Vote 4-0

3. Margaret Jehle- Developmental Variance

Owner/Petitioner: Margaret Jehle & Julie Montgomery, 14819 Morse St., Cedar Lake, IN 46303
Vicinity: 14819 Morse St., Cedar Lake, IN 46303
Legal Description: GOLFVIEW ADD. TO CEDAR LAKE LOT 3
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII- Accessory Regulations, Section 1(A) states ‘There shall be a minimum 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.’
This Developmental Variance is to allow a detached 15’ X 30’ three season room to be built on an existing deck approximately five (5) feet from the house.

- (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: The request is to build a three (3) seasons room on an existing 15 X 30 foot deck. From the foundation to the deck it is seven and a half (7.5) feet and with the gutters added it brings it down to five (5) feet. The room will be built on an existing deck therefore we would not be able to maintain the ten (10) foot. The deck was built with cement columns; it was built about ten (10) years ago. It can withstand a room to be built onto it. The plans have not yet been drawn up yet but there will most likely be one solid wall with the rest being mostly windows. There will be a three (3) foot wall from the floor to the windows. There will be no heater or fireplace in this room.
- (3) Remonstrators: None
- (4) Building Department’s Comments: not present.
- (5) Board’s Discussion: see Petitioner’s Comments.

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

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

Vote 4-0

4. Herman Fisher, Owner of BP- Developmental 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, IN 46303
Legal Description: PT NE NE S.29 T.34 R.9 (100x100FT.) .230 AC
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XIII- Community Business (B-2) Zoning District Section 5- Area, Width, and Yard Regulations which states, “There shall be a front yard between the building line and the highway line and the highway or street right-of-way lines as follows: all streets designed as a part of the Federal Aid Urban System, as delineated by the State Highway Commission, a distance of fifty (50) feet.”
This Developmental Variance is to allow a structure(s) to be built within front yard setback.

- (1) Attorney’s to Review Legals: Notices and publications are in order for this request per Town Attorney Tim Kuiper. This matter is still pending before the Plan Commission for preliminary plan approval and site plan approval. Several iterations have been gone through to adjust numerous things; the structure is however located too close to Route 41 and 133rd Avenue being on a corner lot and how the structure sits.
- (2) Petitioner’s Comments: Mr., Fisher and his partner are planning on building a state of the art convenience store with an attached Dunkin Donuts, and also a Green carwash that recycles seventy-five (75%) of the water. Another piece of property was purchased for proper detention and proper access to the site. We have been open to suggestions from the Town’s staff. We are here today for a variance regarding the 133rd Avenue side of our proposed buildings, the convenience store and carwash. The carwash is needed to

be the proposed length for proper drying. The patrons will not be exiting off of 133rd Avenue. There will be some curb or delineation in between the road and the carwash. The building cannot be placed any further south than it already is because of the underground fuel tanks. If there are plans to ever widen 133rd Avenue, there is the needed thirty (30) feet to do so if this variance is granted. The existing canopy will not be changed. A diesel tank will be added. Regarding the entrance in between BP and McDonalds, a speed bump will be placed as well as decreasing the size of the inlet for safety reasons.

- (3) Remonstrators: none.
- (4) Building Department’s Comments: not present.
- (5) Board’s Discussion: see Petitioner’s Comments.

Motion made to grant the variance as requested as well as the amendment to allow one hundred and eighty (180) days made by Jeff Bunge and seconded by Eric Olson.

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

Vote 4-0

Public Comment: none

Adjournment: Motion made by Jeff Bunge and seconded by Eric Olson to adjourn.

The meeting was adjourned approximately 8:20 pm.

Press Session: Board of Zoning Appeals Meeting- October 10, 2103 at 7:00 pm

Eric Olson

Jeff Bunge, Vice Chairman

Tim Kubiak

Jeremy Kuiper, Chairman

Julie Rivera

Attest: _____
Jessica Chick, Recording Secretary