

**Town of Cedar Lake – BZA**  
**Public Meeting Minutes**  
**October 10, 2013**

**Call to Order:** 7:05 p.m.

**Roll Call:**

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

\*\*\*Robert Carnahan; Town Council and Nicole Hoekstra; Administrative Assistant also present.

**Approval of September 12, 2013 public meeting minutes.**

Motion made to defer the approval made by Jeff Bunge and seconded by Julie Rivera. Vote 3-0

**Old Business:**

**1. Harriot Woosley- Developmental Variance**

Owner/ Petitioner: Harriot Woosley, 8030 W. 127<sup>th</sup> Lane, Cedar Lake, IN 46303

Vicinity: 8030 W. 127<sup>th</sup> 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 Ordinance 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 and street right-of-way lines 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 and unimproved road.*

- (1) Attorney to Review Legal’s: This item was properly continued at last month’s meeting. Notices and publications are in order at this time per Town Attorney Tim Kuiper.
- (2) Petitioners Comments: Anna George from Better Build is present to represent the petitioner. Measurements had been re-done and instead of the 6 (six) feet between the proposed garage and the deck it is really 9.1 (nine point one) feet. If the garage is left 3 (three) feet from the lot line and 18 (eighteen) feet wide, it is 9 (nine) feet not 6 (six) feet from the deck. State law requires that anything built must be ten (10) feet from the house. The house, however, is 12 (twelve) feet from the proposed garage.
- (3) Remonstrators: none.
- (4) Building Departments Comment: see above and below.
- (5) Board’s Discussion: The incline is modest in the backyard and it is not understood as to why the variance is needed. Hickory Street will most likely never be improved, since all the property is owned on Cline Avenue and Hickory Street just makes a loop around her property. This most likely eliminates the need for the side yard variance since if it is never improved upon half of the road will be owned by the petitioner. Although the petitioner has plenty of room to build a garage on another area of her property, she will not have any adverse effect on any neighbors if it is built where she is proposing.
- (6) Board’s Decision: Motion made to grant the variance as requested as well as the eight foot per code of firewall for the front corner made by Tim Kubiak and seconded by Julie Rivera.

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

Vote 2-2

Motion made to grant the variance as requested with the 10 (ten) foot maintained from the deck with a 2 (two) foot side yard by Tim Kubiak and seconded by Julie Rivera.

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

**New Business**

**1. Jeff Fox- Developmental Variance**

Owner/ Petitioner: Jeff Fox, 8243 Tan bark Dr., Tinley Park, IL, 60477  
Vicinity: 7504 W. 135<sup>th</sup> Place, Cedar Lake, IN 46303  
Legal Description: CEDAR POINT PARK LOTS 164 & 165  
Request: Petitioner is requesting a Developmental Variance of Use from Zoning Ordinance No. 496, Title XXIII- Accessory Regulations which states in Section 1 (4): “No accessory building shall be allowed in the front yard of any residential lot.”  
*This Developmental Variance is to allow a 20’ X 24’ (480 sq. feet) garage to be built with a six (6) foot side yard setback and a fifteen (15) 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: Jeff Fox is present to state his case; the proposed garage will be 15 fifteen) feet off the curb and about 7.5 (seven and a half) feet from the side yards. The setbacks are needed in order to even the area between the two lot lines. The proposed garage will be 35 (thirty-five) feet wide and 20 (twenty) feet deep. My property goes from road to road and there are currently garages on both sides of where I would like to build mine.
- (3) Remonstrators: A written remonstrator had stated that they did not have any objections to this variance.
- (4) Building Departments Comment: He had visited this residence a day prior and there are garages on both sides of where the proposed garage would go. The garage on the north side is only 6 (six) feet from the curb and the other is fourteen (14) feet from the curb. This garage would allow for two more cars to be off the road, for parking purposes.
- (5) Board’s Discussion: The structure would sit entirely on lot 164. The 6 (six) foot side yard would be to lot 167 where the garage currently is. There would be approximately 10 (ten) feet in between the proposed garage and the one located on lot 167.
- (6) Board’s Decision:  
Motion made to grant the variance as requested made by Tim Kubiak and seconded by Jeff Bunge.

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

Vote 4-0

**2. Steve Matijevich- Developmental Variance**

Owner/ Petitioner: Steve Matijevich, 7828 Austin St., Schererville, IN, 46375  
Vicinity: 7210 W. 131<sup>st</sup> Place, Cedar Lake, IN 46303  
Legal Description: RESUBDIV. LOTS 41 & 42 BLK. 4 SHADES ADD. CEDAR LAKE PLAT B A ALL L.4 AND L.5  
Request: Petitioner is requesting a Developmental Variance from Zoning No. 496, Title VIII- Residential (R-2) Zoning District; Section 4- Rear Yard which states, “There shall be a rear yard on not less than twenty-five percent (25%) of the depth of the lot.”  
*This Developmental Variance is to allow an attached garage approximately 24’ X 21’ to be built as well as a 13’ X 34’ addition with a rear yard setback of 8 feet (15 feet required).*

- (1) Attorney to Review Legals: The notices and publications are in order at this time per Town Attorney Tim Kuiper.
- (2) Petitioner’s Comments: Petitioner currently resides in Schererville and would like to move into this home as long as he can build an addition for more space. The request for the garage currently stands at a depth of 21 (twenty-one) feet, more space is available to make it deeper. The garage would be attached to the house. There is an existing shed and the petitioner is willing to take it down.
- (3) Remonstrators: None.
- (4) Building Department’s Comments: No problems or concerns with this variance request.

- (5) Board’s Discussion: Since the house is already so close to the road, we do not have a problem with the garage being placed where requested.
- (6) Board’s Decision:  
Motion made to grant the variance as requested as well allowing a 24’ X 24’ attached garage to be built made by Julie Rivera and seconded by Tim Kubiak.

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

Vote 4-0

3. **Monastery South Development- Developmental Variance**

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

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

Vicinity: Monastery South Development

Legal Description: PHASE 2, LOT 294- 311

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 which states, “Minimum Lot Area and Width: A lot area of not less than ten thousand (10,000) square feet, and a lot width of not less than ninety (90) feet at the building line shall be provided for every building or other structure erected or used for any other use permitted in this district, **and** Rear yard: there shall be a rear yard not less than twenty-five percent (25%) of the depth of the lot, **and** Side yard: 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 yard on any lot shall not be less than twenty percent (20%) of the width of the lot.”

*This Developmental Variance is to reduce the minimum lot area from 10,000 sq. feet to 6,200 sq. feet, reduce lot width of 90 feet at the building line to 50 feet, increase lot coverage from 25% to 35%, reduce side yards from 8 feet to 5 feet, and leave rear yard setback same as platted- 30 feet instead of 25% of lot depth. (Note: The Petitioner has an application for Rezoning and Preliminary Plat for the Plan Commission Public Hearing, October 16, 2013)*

- (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: Richard Anderson is representing McFarland Homes LLC; the location is 129<sup>th</sup> and Parrish in Monastery Woods. There are currently 66 units of townhomes on the west side of this project. The plan is to reduce this number to 48 units by converting townhome lots to patio home lots. Townhomes have second story bedrooms and patio homes are all one level. Since Cedar Lake currently does not have a patio home ordinance, this is the reason for all of the developmental variances. The patio homes will be from 1,500 to 1,750 square feet, 2 and 3 bedroom units, 400 square feet for the garage, there could be an option for a Florida room or covered sun porch. It is extremely similar to what you see in the subdivision now it is just a different product to help build the area out sooner. It will also increase the value in the subdivision because the patio homes are priced a little higher than the townhomes. The purchase price of the patio homes are from \$180,000-\$220,000.
- (3) Remonstrators: none.
- (4) Building Department’s Comments: see above.
- (5) Board’s Discussion:

Motion made to grant the requested variance by Tim Kubiak and seconded by Jeff Bunge.

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

Vote 4-0

**Public Comment: none**

**Adjournment: Motion made by Jeff Bunge and seconded by Julie Rivera to adjourn.**

The meeting was adjourned approximately 7:55 pm.

**Press Session:** Board of Zoning Appeals Meeting- November 14, 2013 at 7:00 pm

\_\_\_\_\_  
Eric Olson

\_\_\_\_\_  
Jeff Bunge, Vice Chairman

\_\_\_\_\_  
Tim Kubiak

\_\_\_\_\_  
Jeremy Kuiper, Chairman

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

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