

**Town of Cedar Lake – BZA
Public Meeting Minutes
November 14, 2013**

Call to Order: 7:00 p.m.

Roll Call:

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

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

Approval of October 10, 2013 public meeting minutes.

Motion made to approve the minutes made by Julie Rivera and seconded by Tim Kubiak. Vote 4-0

New Business

1. Eugene Goc/ Terri Cox- Special Use Variance

Owner/ Petitioner: Eugene Goc/ Terri Cox, 8505 W. 130th St., Cedar Lake, IN 46303

Vicinity: 8600 W. 139th Ct., Cedar Lake, IN 46303

Legal Description: LAKE SHORE ADD. L.7 BL.3 S'LY 90.65FT'W. LINE M.L.8 BL.3 S'LY 13 FT.L.9 BL.3

Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XII-Neighborhood Business, Section 2 which states, "Other retail business and service establishments, not specifically referred to in this Zoning Ordinance, selling new merchandise exclusively and consistent with the purpose of this Neighborhood Business (B-1) Zoning District."

The petitioner is requesting a Special Use Variance to allow a business in which provides boat repair, rental, and storage as well as bicycles/moped sales and repair, and car repair. Bicycle sales and repair are allowed in B-2 Zoning and all other requests are allowed in B-3 Zoning. (Note: The Petitioner has an application pending with the Plan Commission to rezone this property from R-2 to B-1: special use variance is contingent on rezoning application approval.)

- (1) Attorney to Review Legal's: Notices and publications are in order at this time per Town Attorney Tim Kuiper.
- (2) Petitioners Comments: Terri Cox is present regarding this request. The petitioner is currently researching different business opportunities for this property she had purchased. She is unsure as to which business would do best at this property with regards to the neighborhood. They are waiting for the zoning approval before they open any business on the property.
- (3) Remonstrators: Barry Hassie, 8619 W. 139th Court, Cedar Lake, IN 46303. This remonstrator is against this variance. He currently lives across the street from this building and would not like any noisy business in his neighborhood. He is also concerned for the traffic in the neighborhood as well as the air pollution that a mechanical business may produce. David Kralek, 8609 W. 139th Court, Cedar Lake, IN 46303. This remonstrator is also against this variance. He is aware of previous mechanical shops that did not work in the neighborhood due to loud noise, traffic, and pollution. A written remonstrator was also received from residents of the neighborhood and they are against this variance.
- (4) Building Departments Comment: no comment.
- (5) Board's Discussion: This property has always had a legal nonconforming zoning. The building is currently suitable for a mechanical shop but this request is very open ended. The concern being that there is no straight forward request. It is suggested to stick with a business in the B-1 zoning district being that it would be more suitable to the neighborhood.
- (6) Board's Decision:
Motion made to defer this request till next month's public hearing December 12, made by Tim Kubiak and seconded by Julie Rivera.

Eric Olson	Julie Rivera	Tim Kubiak	Jeff Bunge	Jeremy Kuiper
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YES	YES	YES	YES	ABSENT
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Vote 4-0

2. Christine Gudas- Developmental Variance

Owner/ Petitioner: Christine Gudas, 13963 Morse St., Suite A, Cedar Lake, IN 46303
Vicinity: 13361 Lincoln Plaza Way, Cedar Lake, IN 46303
Legal Description: VANCO ADD. TWO PHASE 1 LOT 2
Request: Petitioner is requesting a Developmental Variance from Zoning No. 496, Title XII- Neighborhood Business (B-1) Zoning District , Section 5 Area, Width, and Yard Regulations which states, “There shall be a front yard between the building line and the highway or street right-of-way lines as follows: all other streets, a distance of thirty (30) feet” and Title XXI- Fence Regulations, Section 2 Fences locates in Business and Industrial Zoning Districts which states, “Fences of a decorative nature may be allowed with front yards with maximum height shall be three (3) feet.”
This Developmental Variance is to reduce the front yard setback from 30 ft. to 20 ft. and allow a 5ft/6ft decorative fence in the front yard.

- (1) Attorney to Review Legals: The notices and publications are in order at this time per Town Attorney Tim Kuiper.
- (2) Petitioner’s Comments: Doug Hallmeir with McMahon Associates is present representing the petitioner. We are requesting the approval of the variance from thirty (30) feet to twenty (20) feet, this is based on the layout of the lot that it would work out better. Also, we are looking to fence in the south side of the building.
- (3) Remonstrators: None.
- (4) Building Department’s Comments: All of the changes that we have requested have been made.
- (5) Board’s Discussion: We agree that moving from thirty (30) feet to twenty (20) feet is a benefit. A fence does not seem to be an issue with regards to where she is planning to put it.
- (6) Board’s Decision:
Motion made to grant the variance as requested made by Tim Kubiak and seconded by Julie Rivera.

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

Vote 4-0

3. Hanover Community School Corp- Developmental Variance

Owner: Hanover Community School Corp., 9520 W. 133rd Ave., Cedar Lake, IN 46303
Petitioner: Larry Gutierrez, 10120 W. 133rd Ave., Cedar Lake, IN 46303
Vicinity: 7413 W. 128th Pl., Cedar Lake, IN 46303
Legal Description: BUILDING TRADES RESUB #1 LOT 2
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, “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 14’ X 14’ deck to be built exceeding the twenty-five (25%) lot coverage, and rear yard setback less than twenty-five percent (25%).

- (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: Petitioner not present.
- (3) Remonstrators: Caroline May, written remonstrator, objects to this variance because she feels it is overcrowding.
- (4) Building Department’s Comments: There is currently a twenty-five (25) foot rear yard and with the proposed deck would take up fourteen (14) of those twenty-five (25) feet.

The deck would only be about 8 (eight) inches off of the road. Building Commissioner does not see anything wrong with this request.

- (5) Board's Discussion: Since the deck is so far from the road and only eight (8) inches off of the road it does not seem like it will negatively affect anyone or anything.

Motion made to grant the requested and also to maintain the 11 foot rear yard if there is a step made by Tim Kubiak and seconded by Eric Olson.

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

Vote 4-0

4. James Brooker- Developmental Variance

Owner/Petitioner: James Brooker, 17316 Camelot Dr., Lowell, IN 46356
Vicinity: 13131 Marquette St., Cedar Lake, IN 46303
Legal Description: MEYER MANOR 2ND N. 35 FT. L.28 BL.1
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI- Fence Regulations, Section 1(C), which states, "The Zoning Administrator has the authority to designate one (1) of the front yards as a side yard. A fence located on a corner lot not served by a sidewalk that has been designated as a side yard shall be set back a minimum six feet (6') from the right of way line and does not exceed a height of four feet (4')." *The Petitioner is requesting a Developmental Variance to allow a six (6) foot wood fence to be placed in what is considered a front yard on a corner 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: Petitioner would like to put up a fence but with the way the yard sets we are in need of this variance. We live on a corner lot and if we were to come straight off of the house we would run into a 100 year old maple tree. In order to avoid the tree we would need to come about six (6) feet off of the house which would make it about seventeen (17) feet from the curb. There was a fence up when we had bought the house but we took it down because it was in bad condition. The house sits roughly twenty-five (25) feet off of the road.
(3) Remonstrators: Jack Adams, currently resides in the home, he is for this variance.
Building Department's Comments: No concerns.
(4) Board's Discussion:

Motion made to grant the variance as requested, but no more than six (6) feet from the house made by Julie Rivera and seconded by Eric Olson.

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

Vote 4-0

5. Scott & Lisa Carter- Developmental Variance

Owner/Petitioner: Scott & Lisa Carter, 12805 Wrightwood St., Cedar Lake, IN 46303
Vicinity: 12805 Wrightwood St., Cedar Lake, IN 46303
Legal Description: SHADES ADDITION CEDAR LAKE BL.2 23 TO 22
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII- Accessory Regulations, Section 1, which states, "No accessory building shall be allowed in the front yard of any residential lot" and "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 20'x26'x8' Post-Frame Building to be used for storage and built in a front yard of a corner 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: Petitioner is requesting to build a post-frame building not attached, located the bottom half of the yard. There is currently a detached garage

located on the property. It would be used to store the petitioner’s boat, tractor, etc. Petitioner would like to face it towards the south. The petitioner chose to go with this option instead of a slab on grade garage because of costs.

- (3) Remonstrators: Jennifer Wilson, 8337 W. 128th Place, Cedar Lake, IN 46303. This remonstrator is for this variance. She believes that it will be a positive impact on the look of the neighborhood for storage purposes rather than everything sitting outside for everyone to see.
- (4) Building Department’s Comments: Building Commissioner was not aware that it was a temporary structure, with that said he is not in favor of this variance.
- (5) Board’s Discussion: These types of buildings are not built to building code; they are more of a car port with metal framing. The size is also an issue, it is extremely big for the type of building it is. This is a temporary structure and does not meet code. There is one resident who built one of these temporary buildings without our permission and he had to take it down. We do not have a problem with you building a building there, just not this type of temporary structure. The Board has denied other petitioners with the same request and it wouldn’t be fair if we were to approve this request. There is not a problem with building a garage in the location expressed as long as it were to meet building code. Because all of your lots are combined into one, seven hundred and twenty (720) square feet is the biggest that can be built on a slab. In the building code, if a building is less than two hundred (200) square feet, there is no code. A 20’ X 26’ garage is acceptable considering you already have a 24’ X 30’ garage on your property. Seven hundred and twenty (720) square feet are the maximum square footage allowed per lot. There are also caps as you hit each acre level as to how much accessory square footage can be allowed. Subject to what the board says, you can exceed the square footage allowance.

Motion made to grant the variance for the 20’ X 26’ X 8’ conventional built garage, with no metal of any type, which is allowing two accessory structures while exceeding the square footage requirements, also to meet all of the setbacks according to the ordinance made by Tim Kubiak and seconded by Eric Olson.

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

Vote 4-0

6. Margot Miller- Developmental Variance

Owner/Petitioner: Margot Miller, 7716 W. 134th Pl., Cedar Lake, IN 46303
Vicinity: 7716 W. 134th Pl., Cedar Lake, IN 46303
Legal Description: CEDAR POINT PARK LOT 22 & 23 EX. S.10FT
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, “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, 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 be less than twenty percent (20%) of the width of the lot.”
This Developmental Variance is to build an attached 2 car garage with a four (4) foot side yard setback and three (3) foot front yard setback.

- (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 for an attached garage 28’ X 22’ to my house. I have enclosed pictures of my neighbor’s garages which are four (4) feet from the street. My road is 134th Place; it is one and a half lanes then turns into Cedar Street which ultimately dead ends. My survey is also enclosed there is a six and a half (6.5) foot easement to my neighbor’s lot line and with a two (2) foot overhang it would make it four and a half (4.5) feet, and to the street side with the one foot overhang three (3) feet.
- (3) Remonstrators: none.
- (4) Building Department’s Comments: There will be room for 2 cars next to the garage.
- (5) Board’s Discussion: The white shed will be removed. This request is consistent with the area. The structure will be four (4) feet then the overhang would make it three (3) feet, towards the road.

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

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

Vote 4-0

Public Comment: none

Adjournment: Motion made by Tim Kubiak and seconded by Eric Olson to adjourn.

The meeting was adjourned approximately 8:20 pm.

Press Session: Board of Zoning Appeals Meeting- December 12, 2013 at 7:00 pm

Eric Olson

Jeff Bunge, Vice Chairman

Tim Kubiak

Jeremy Kuiper, Chairman

Julie Rivera

Attest: _____
Jessica Chick, Recording Secretary