



**TOWN OF CEDAR LAKE**  
**BOARD OF ZONING APPEALS – PUBLIC MEETING**

December 12, 2013      7:00 P.M.

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

**Roll Call:**

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

**Approval of November 14, 2013 public meeting minutes.**

Motion made to defer the approval made by Julie Rivera and seconded by Eric Olson. Vote 5-0.

**Old Business:**

**1. Eugene Goc/Terri Cox- Special Use Variance**

Owner/ Petitioner: Eugene Goc/Terri Cox, 8505 W. 139<sup>th</sup> St., Cedar Lake, IN 46303  
Vicinity: 8600 W. 139<sup>th</sup> 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 bicycle/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.)*

- a.) **Board's Discussion:** Jeremy Kuiper stated that the Commission received an email from the Petitioner, Terri Cox asking for this item to be removed from the agenda until further research can be completed. Tim Kubiak stated that the Petitioner attended the Plan Commission meeting and decided that she was going to create a proposal for a special use variance that would be presented at a later date.
- b.) **Board's Decision:** Motion made by Tim Kubiak seconded by Eric Olson to remove this item from the agenda per the petitioner's request.

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

**New Business:****1. Teresita Barajas- La Gaviota- Use Variance**

Owner/ Petitioner: Teresita Barajas, 12548 Parrish Ave., Cedar Lake, IN 46303  
 Vicinity: 10728 W. 133<sup>RD</sup> Ave, Cedar Lake, IN 46303  
 Legal Description: VANCO'S ADDITION LOT 3 ALL LOT 4  
 Request: Petitioner is requesting a Use Variance from Zoning Ordinance No. 496, Title XX, Section 9 (Neighborhood Business (B-1) Zoning District), which states: "There shall not be more than one (1) permissible principal use per single lot in any Zoning District."

*This Use Variance request is to allow the operation of a restaurant **and** to allow a secondary use of a super market grocery store.*

- a) Attorney to Review Legals: Town Attorney, Tim Kuiper stated that all legals are in order for tonight's meeting.
- b) Petitioner's Comments: None present.
- c) Remonstrators:
- d) Building Department's Comments:
- e) Board's Discussion: Tim Kubiak asked if this item can be considered despite no petitioner present. Kubiak stated that this item has been presented to the Plan Commission as well. Motion to defer the item to the end of the agenda made by Eric Olson and seconded by Tim Kubiak.

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

- f.) Board's Recommendation to Council on Use Variance for Two Uses on a single lot: Motion made by Tim Kubiak and seconded by Jeff Bunge to send a favorable recommendation to the Town Council on the Use Variance for two uses on a single lot.

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

**2. Michele Johnson- Special Use Exception, Use Variance, & Developmental Variance**

Owner: Bocar Family Holdings Limited Parnership, 777 Arthur Godroy Rd., Miami Beach, FL 33140  
 Petitioner: Michele & Clint Johnson, 3515 W. 150<sup>th</sup> Lane, Crown Point, IN 46307  
 Vicinity: 12834 Wicker Ave, Cedar Lake, IN 46303  
 Legal Description: PT. SE. NE. S.20 T.34 R.9 "435.6 X 100 FT." 1 AC.  
 Request: Petitioner is requesting a Use Variance from Zoning Ordinance No. 496, Title XX, Section 9 (Neighborhood Business (B-1) Zoning District), which states: "There shall not be more than one (1) permissible principal use per single lot in any Zoning District."  
 Petitioner is requesting a Special Use Exception from Zoning Ordinance No. 496, Title XII, Section 3.A. to allow antique shop (permitted use in Community Business (B-2) Zoning District).  
 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) such 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."

## BZA Minutes 12.12.13

*Special Use Exception to allow antique shop use in B-1 Zoning District.*

*The Use Variance request is to allow the operation of a cleaning service **and** to allow a secondary use for an antique/resale store.*

*The Developmental Variance request is to allow the petitioner to have a 100 square foot sign for Johnson Cleaning Services (JCS) and to have an additional 100 square foot sign for the antique store/resale store on the same pole.*

- a.) Attorney to Review Legals: Tim Kuiper stated that all legals are in order for this agenda item.
- b.) Petitioner's Comments: Michelle Johnson stated currently they are renting the old transit building for their cleaning service and would like to use the front as a retail section. Carpet cleaning vans for residential and commercial cleaning would be stored on site. Hours of operation would be 8-6PM for the cleaning service and 10AM-5PM for the antique store. Both of these businesses are established businesses that just need a new location. The retail/antique store will be a combination of old and new consignment items.
- c.) Remonstrators: John Boersma, 2941E. Brunswick Ct., stated his approval of the businesses as well as his concern for the water that pools in that area.
- d.) Building Department's Comments: None.
- e.) Board's Discussion: Tim Kubiak stated that he has no issue with the two uses in the building but is concerned with adding a 100 sq. foot sign below the existing sign. The Petitioner is going to replace the existing sign with a same size sign and add one more for the antique store. Tim Kubiak recommended that the lower sign be the same size as the original sign.
- f.) Board's Recommendation to Council on Special Exception of antique store use: Motion made by Tim Kubiak and Eric Olson to send a favorable recommendation to Town Council on a special exception of antique store use and to include the findings of fact.

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

- g.) Board's Recommendation to Council on Use Variance for Two Uses on a single lot: Motion made by Tim Kubiak and seconded by Eric Olson to send a favorable recommendation to the Town Council on the Use Variance for Two Uses on a single lot, check on the drainage issues before occupancy and to include the findings of fact.

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

- h.) Board's Decision on Developmental Variances: Motion made by Tim Kubiak and seconded by Eric Olson to have a replacement of the existing sign and allow an additional sign of equal square footage and to include the findings of fact.

### 3. Robert Decker- Developmental Variance

Owner/Petitioner: Robert & Ronna Decker, 6547 W. 130<sup>th</sup> Ave, Cedar Lake, IN 46303  
Vicinity: 6457 W. 130<sup>th</sup> Ave, Cedar Lake, IN 46303  
Legal Description: LEMON LAKE ESTATES UNIT 111 LOT 29  
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII- Accessory Regulations, Section 1, which 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."

## BZA Minutes 12.12.13

*This Developmental Variance is to allow a deck to be built two (2) feet from garage.*

- a. Attorney to Review Legals: Tim Kuiper stated that all legals are in order to this agenda item.
- b. Petitioner's Comments: Petitioner, Ronna Decker would like to replace their existing deck that is need of repair. The garage is a two and half car garage that sits back on their existing lot. The request is that the current deck exists non-conforming and would like to replace the existing deck not modifying the current dimensions.
- c. Remonstrators: None.
- d. Building Department's Comments: None.
- e. Board's Discussion: Jeremy Kuiper stated that from a fire prospective he has no issues.
- f. Board's Decision: Motion made by Tim Kubiak and seconded by Eric Olson to approve the developmental variance as requested to replace the existing deck and to include the findings of fact.

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

### 4. Robert Wilson- Developmental Variance

Owner/ Petitioner: Robert Wilson, 7012 W. 140<sup>th</sup> Ave., Cedar Lake, IN 46303  
Vicinity: 7012 W. 140<sup>th</sup> Ave., Cedar Lake, IN 46303  
Legal Description: PT. N. 6 A. OF W. 11 A. OF S2. SW. SE. S.26 T.34 R.9 0.50 A.  
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII- Residential (R-2) Zoning District, Section 4, which states, "Rear yard: there shall be a rear yard of not less than twenty-five percent (25%) of the depth of the lot."

*This Developmental Variance is to allow a two-story stairway at the rear of the house to be built.*

- a) Attorney to Review Legals: Tim Kuiper stated that all legals are in order for this agenda item.
- b) Petitioner's Comments: Petitioner, Robert Wilson stated that they would like to build a staircase at the back of the house for better convenience. Contractors have stated that a stair case cannot be built inside the house so this is the best possible solution to build a rear stair case. Stair case will be about 25-30 feet from existing garage.
- c) Remonstrators: None.
- d) Building Department's Comments: None.
- e) Board's Discussion: Tim Kubiak stated that the Petitioner does have a hardship and the request still leaves 30 feet rear yard requirement so he has no objections.
- f) Board's Decision: Motion made by Tim Kubiak and seconded by Julie Rivera to approve the developmental variance as requested and to include the finds of fact.

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

BZA Minutes 12.12.13

**Public Comment:** None.

**Adjournment:** Time: 7:45PM

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Eric Olson

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Jeff Bunge, Vice Chairman

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Tim Kubiak

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

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

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