



TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS – PUBLIC MEETING
April 10, 2014 7:00 P.M.

Call to Order: 7:03 p.m.

Roll Call:

Absent	Eric Olson	Present	Tim Kuiper
	Member		Town Attorney
Present	Tim Kubiak	Present	Jeremy Kuiper
	Member		Chairman
Present	Jeff Bunge	Present	Shelly Myers
	Vice Chairman		Recording Secretary
Absent	Diane Cusack	Absent	Ian Nicolini
	Member		Town Manager

Minutes: Approval of Public Meeting Minutes from March 13, 2014.

Motion made by Tim Kubiak and seconded by Jeff Bunge to approve the March 13, 2014 minutes.

Eric Olson	Diane Cusack	Time Kubiak	Jeff Bunge	Jeremy Kuiper	Vote
ABSENT	ABSENT	YES	YES	YES	3-0

New Business:

1. Eugene Goc/Terri Cox- Special Use Variance

Owner/ Petitioner: Eugene Goc/Terri Cox, 8505 W. 139th 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: The Petitioner is requesting a Special Use Variance to allow a property preservation and home remodeling business to utilize this site as office space, store vehicles inside the premises with no overnight parking, store construction tools inside premises, with a total of five employees.

- a) Attorney to Review Legals: Tim Kuiper stated all notices and publications were in order for tonight's meeting.
- b) Petitioner's Comments :Terri Cox let Amanda Eby present her intentions which include office space and inside storage for their business vehicles.
- c) Remonstrators: January Michaels of 13939 Huseman St. stated that it would be nice to see a business go in there and have it be put to good use as it has been vacant for a long time.
- d) Building Department's Comments: None
- e) Board's Discussion: Tim Kubiak stated that it is a decent and low key use for it .
- f) Board's Recommendation to Council: Motion was made by Tim Kubiak and seconded by Jeff Bunge to send a favorable recommendation to the Town Council to allow Total Rehab LLC to occupy as requested with (0) zero outdoor storage, no overnight parking to include the findings of fact.

Eric Olson	Diane Cusack	Tim Kubiak	Jeff Bunge	Jeremy Kuiper	Vote
ABSENT	ABSENT	YES	YES	YES	3-0

2. Bobb's Auto Group- Special Use Variance and Developmental Variance

Owner: DSB, LLC, 13007 Wicker Ave., Cedar Lake, IN 46303
Petitioner: Bobb Auto Group, 11009 W. 133rd. Ave., Cedar Lake, IN 46303
Vicinity: 13007 Wicker Ave., Cedar Lake, IN 46303
Legal Description: PT. N. 30RDS. OF S. 130RDS. OF W. 80RDS. OF SW. S.21 T.34 R.9 8A
Request: The Petitioner is requesting a Developmental Variance to have a front yard setback of less than 26' from U.S. 41 and a side yard setback of less than five (5) feet. The Petitioner is requesting a Special Use Variance to operate a car dealership in B-2 Zoning.

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- a.) Attorney to Review Legals: Tim Kuiper stated that the notices and publications are in are in order for tonight’s public meeting.
- b.) Petitioner’s Comments: Anthony Tiritilli presented information of their expected plans, with a focus on how they will run and extend the water main which is a definite improvement. The detention is deeper than normal but site plan was good at the plan commission meeting. Stormwater management will be designed to handle all potential issues.
- c.) Remonstrators: There were no remonstrators present.
- d.) Building Department’s Comments: None.
- e.) Board’s Discussion: Tim Kubiak mentioned that the site plan and subdivision was good at the plan commission meeting and that the engineer was happy with it as well.
- f.) Board’s Decision: Motion made by Tim Kubiak seconded by Jeff Bunge to grant the developmental variance as requested to have the front yard setback less than twenty-six feet (26) from US 41 and the side yard less than five (5) feet to include the findings of fact. Per the site plan as shown.

Eric Olson	Diane Cusack	Time Kubiak	Jeff Bunge	Jeremy Kuiper	Vote
ABSENT	ABSENT	YES	YES	YES	3-0

Tim Kubiak made a motion seconded by Jeff Bunge to send a favorable recommendation for the special use variance to the Town Council to operate a car dealership in a B2 zoning as requested per the site plan to include the findings of fact.

Eric Olson	Diane Cusack	Time Kubiak	Jeff Bunge	Jeremy Kuiper	Vote
ABSENT	ABSENT	YES	YES	3-0	3-0

3. Centier Bank- Special Use Variance

Owner: Hanover Township Trustee, 13330 Parrish Ave., Cedar Lake, IN 46303
Petitioner: Carol Highsmith, 600 E. 84th Ave., Merrillville, IN 46410
Vicinity: 13330 Parrish Ave., Cedar Lake, IN 46303
Request: This Use Variance request is to allow the operation of a Centier Bank ATM at the site of the Hanover Township Trustee.

- a) Attorney to Review Legals: Tim Kuiper stated that the notices and publications are in are in order for tonight’s public meeting.
- b) Petitioner’s Comments: Carol Highsmith spoke on behalf of Centier bank, she stated she has met with Mitch Lopez and they have come to an agreement for the use of the trustees parking lot pending approval from the Board of Zoning Appeals and the Town Council
- c) Remonstrators: Mitch Lopez spoke in favor of Centier stating it has already been approved by him and the trustee board. Mitch Lopez confirmed that since their office hours are 8:30 am-approximately 3:30pm - 4:00pm there are not really any concerns for any issues to arise with the ATM going in.
- d) Building Department’s Comments: None
- e) Board’s Discussion: The board discussed making a favorable recommendation.
- f) Board’s Recommendation to Council (Special Use): Motion made by Tim Kubiak and seconded by Jeff Bunge to send a favorable recommendation to the town council for the special use as presented to include the findings of fact.

Eric Olson	Diane Cusack	Tim Kubiak	Jeff Bunge	Jeremy Kuiper	Vote
ABSENT	ABSENT	YES	YES	YES	3-0

4. Karen Lashure- Special Use Variance

Owner/ Petitioner: Karen Lashure, 14434 Wheeler St., Cedar Lake, IN 46303
Vicinity: 14434 Wheeler St., Cedar Lake, IN 46303
Legal Description: SHADES ADD. CEDAR LAKE PLAT B ALL L.15 BL.9
Request: This Special Use variance is to allow the petitioner to operate an at home massage studio with one client at a time in the studio, parking to be on owner’s driveway only.

- a) Attorney to Review Legals: Tim Kuiper stated that the notices and publications are in are in order for tonight’s public meeting.
- b) Petitioner’s Comments: Karen Lashure presented to the board her intentions of her in home massage studio. Hours of operation approximately 10:00am-5:00pm with only 4-5 clients a day and no advertising at the location.

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- c.) Remonstrators: None
- d.) Building Department's Comments: None
- e.) Board's Discussion: The board discussed making a favorable recommendation.
- g.) Board's Recommendation to Council (Special Use): Motion made by Tim Kubiak and seconded by Jeff Bunge to send a favorable recommendation to the town council for the special use as presented to include the findings of fact.

Eric Olson	Diane Cusack	Tim Kubiak	Jeff Bunge	Jeremy Kuiper	Vote
ABSENT	ABSENT	YES	YES	YES	3-0

5. Sandra Eenigenburg- Developmental Variance

Owner/ Petitioner: Sandra Eenigenburg, 13129 Polk St., Cedar Lake, IN 46303
Vicinity: 13129 Polk St., Cedar Lake, IN 46303
Legal Description: MEYER MANOR 2ND L.1 BL.1
Request: This Development Variance is to allow the Petitioner to build an addition with a front yard setback of six (6) feet on a corner lot, rear yard setback of nineteen (19) feet, and exceed lot coverage.

- a.) Attorney to Review Legals: Tim Kuiper stated that the notices and publications are in are in order for tonight's public meeting.
- b.) Petitioner's Comments: Petitioner Sandra Eenigenburg explained her request.
- c.) Remonstrators: Marilyn Hopkins 13137 Polk spoke in favor of allowing the request
- d.) Building Department's Comments: None.
- e.) Board's Discussion: None.
- f.) Board's Decision: Motion made by Tim Kubiak and seconded by Jeff Bunge to grant the variance as requested to include the findings of fact.

Eric Olson	Diane Cusack	Tim Kubiak	Jeff Bunge	Jeremy Kuiper	Vote
ABSENT	ABSENT	YES	YES	YES	3-0

6. Brian Hardesty- Developmental Variance

Owner/ Petitioner: Brian Hardesty, 9413 W. 142nd Ave., Cedar Lake, IN 46303
Vicinity: 9413 W. 142nd Ave., Cedar Lake, IN 46303
Legal Description: JANE DWAN GARDENS L.34 BL.4 DOC.2002-091552
Request: This Developmental Variance is to allow the Petitioner to build an attached garage with a side yard setback on the property line, a twenty (20) foot rear yard setback, and to exceed lot coverage.

- a.) Attorney to Review Legals: Tim Kuiper stated that the notices and publications are in are in order for tonight's public meeting.
- b.) Petitioner's Comments: Brian Hardesty presented his request and stating that he wants to build a garage and his lot is very small.
- c.) Remonstrators: None
- d.) Building Department's Comments: None
- e.) Board's Discussion: The board discussed making a favorable recommendation with a few adjustments.
- h.) Board's Decision: Motion made by Tim Kubiak and seconded by Jeff Bunge to approve the developmental variance as requested to include the findings of fact..

Eric Olson	Diane Cusack	Tim Kubiak	Jeff Bunge	Jeremy Kuiper	Vote
ABSENT	ABSENT	YES	YES	YES	3-0

7. Robert Hopkins- Developmental Variance

Owner/ Petitioner: Robert Hopkins, 13137 Polk St., Cedar Lake, IN 46303
Vicinity: 13137 Polk St., Cedar Lake, IN 46303
Legal Description: MEYER MANOR 2ND L.2 BL.1
Request: This Developmental Variance is to allow the Petitioner to build an addition to be constructed within the required front yard setbacks, to exceed the maximum allowed lot coverage of 25%, rear yard setbacks of less than 25%, and to allow a hot tub within the required 10' foot setback.

- a.) Attorney to Review Legals: Tim Kuiper stated that the notices and publications are in are in order for tonight's public meeting.
- b.) Petitioner's Comments: Robert Hopkins discussed his intentions for the variance in detail to the board.

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- c) Remonstrators: Sandy Eenigenburg 13129 Polk is in favor Robert Hopkins plans.
- d) Building Department’s Comments: None
- e) Board’s Discussion: A lengthy discussion was held about the shed on the property and that removal is recommended.
- f) Board’s Decision: Tim Kubiak made a motion seconded by Jeff Bunge to allow the developmental variance as requested maintaining lot coverage as proposed except the shed is to be removed to include the findings of fact.

Eric Olson	Diane Cusack	Tim Kubiak	Jeff Bunge	Jeremy Kuiper	Vote
ABSENT	ABSENT	YES	YES	YES	3-0

8. Don Lepory- Developmental Variance

Owner/ Petitioner: Don Lepory, 7623 Lake Shore Dr., Cedar Lake, IN 46303
Vicinity: 7623 Lake Shore Dr., Cedar Lake, IN 46303
Legal Description: PT. OF LOT 1 S.23 T.34 R.9 0.1372 AC.
Request: This Developmental Variance is to allow the Petitioner to build a deck (59’ X 18’ in size) in the back yard with a two (2) foot side yard setback, front yard deck (26’ X 4.7’ in size) with a front yard setback of less than three (3) feet, and an attached garage (32’ X 42’ in size) with a six (6) foot side yard setback with attached gazebo (26’ X 12’ in size) exceeding the rear yard setback requirement.

- a) Attorney to Review Legals: Tim Kuiper stated that the notices and publications are in are in order for tonight’s public meeting.
- b) Petitioner’s Comments: Don Lepory stated all the changes he is requesting to make.
- c) Remonstrators: None
- d) Building Department’s Comments: None
- e) Board’s Discussion: After a long discussion there are still concerns and Tim Kubiak will plan to visit the property to get a better visual understanding of proposal as well as possible offer suggestions.
- f) Board’s Decision: With all the questions the board still has Jeff Bunge made a motion and it was seconded by Tim Kubiak to decide to defer this item to next month’s meeting.

Eric Olson	Diane Cusack	Tim Kubiak	Jeff Bunge	Jeremy Kuiper	Vote
ABSENT	ABSENT	YES	YES	YES	3-0

Public Comment: None

Adjournment: Motion was made by Tim Kubiak and seconded by Jeff Bunge to adjourn the meeting.

Time: 9:00PM

Eric Olson

Jeff Bunge, Vice Chairman

Tim Kubiak

Jeremy Kuiper, Chairman

Diane Cusack

Attest: _____
Shelly Myers, Recording Secretary