



**TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS – PUBLIC MEETING
August 14, 2014 7:00 P.M.**

Call to Order: 7:07 p.m.

Roll Call:

Present	Eric Olson	Present	Tim Kuiper
	Member		Town Attorney
Present	Jerry Wilkening	Absent	Jeremy Kuiper
	Member		Chairman
Present	Jeff Bunge	Present	Tim Kubiak
	Vice Chairman		Building Commissioner
Absent	John Kiepora	Present	Shelly Myers
	Member		Recording Secretary

Minutes: A Motion was made by Eric Olson and seconded by Jerry Wilkening to approve the June 12, 2014 minutes. **Vote: 3-0**

Old Business:

1. T & J Landscaping – Developmental and Special Use Variance

Owner: T & J Land Ventures, LLC, 8905 Jacobsen St., St. John, IN 46373
Petitioner: T & J Landscaping, 12615 Wicker Ave. Cedar Lake, IN 46303
Vicinity: 12634 Wicker Ave., Cedar Lake, IN 46303
Legal Description: CEDAR GARDENS L.14 BL.2, CEDAR GARDENS L.13 BL.2, Cedar Gardens BL.2 E.160ft of lots 5, 6 & 7 Ex. S.30ft of lot 7, Cedar Gardens BL.4 Lots 17 & 18

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XIII-Community Business which states, “There shall be a front yard between the building line and the highway line as follows: on existing four (4) lane federal or state highway a distance of sixty (60) feet” and “on a lot abutting any residential zoning district, there shall be a side yard abutting such district having a width of not less than twenty-five (25) feet...”

This Developmental Variance is to allow the Petitioner to have a frontage of thirty (30) feet, a side yard setback of one (1) feet along the northern boundary, and three (3) foot parking setback to the south.

This Special Use Variance is to allow the Petitioner to operate a landscaping company in a B2- Community Business zoning with outdoor storage and parking. (Petitioner has a Plan Commission Application submitted for Rezoning from R2- Residential to B2-Community Business.)

- a) Attorney to Review Legals: Notices and publications are in order.
- b) Petitioner’s Comments: John Schilling Sr. (Owner) explained plans for his request, in the absence of the engineer.
- c) Remonstrators: None

- d) Building Department's Comments: Tim Kubiak explained the current status with the plan commission.
- e) Board's Discussion: None
- f) Board's Decision (Developmental Variance): A motion was made by Eric Olson and seconded by Jerry Wilkening to approve the developmental variance as presented to include the findings of fact.

Eric Olson	Jerry Wilkening	Jeff Bunge
YES	YES	YES

Vote: 3-0

- g) Board's Recommendation to Town Council (Special Use Variance)
A motion was made by Eric Olson and seconded by Jerry Wilkening for a favorable recommendation to the Town Council for the special use variance as presented to include the findings of fact.

Eric Olson	Jerry Wilkening	Jeff Bunge
YES	YES	YES

Vote: 3-0

2. Mark Brinkley- Developmental Variance

Owner: Mark & Tina Brinkley, 532 Cambridge Ct., Griffith, IN 46319
 Petitioner: Cedar Lake DQ Grill & Chill, 9917 W. 133rd. Ave., Cedar Lake, IN 46303
 Vicinity: 9917 W. 133rd. Ave., Cedar Lake, IN 46303
 Legal Description: Airport Heights Lots 9 & 10

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XII- Neighborhood Business (B1) Zoning District which states in Section (5): "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 the Petitioner to build an outside patio extension (31' X 20' in size) with three (3) foot hand rails surrounding and approximately ten tables and chairs.

- a) Attorney to Review Legals: Notices and publications are in order
- b) Petitioner's Comments: Mark Brinkley explained his plan to the commission.
- c) Remonstrators: None
- d) Building Department's Comments: Discussions were held about the setback from the road and safety concerns.
- e) Board's Discussion: None
- f) Board's Decision:

A motion was made by Eric Olson and seconded by Jerry Wilkening to approve the developmental variance as presented to include the findings of fact.

Eric Olson	Jerry Wilkening	Jeff Bunge
YES	YES	YES

Vote: 3-0

3. Robert Brazeal- Developmental Variance

Owner/ Petitioner: Robert Brazeal, 14517 Lee St., Cedar Lake, IN 46303
 Vicinity: 14517 Lee St., Cedar Lake, IN 46303
 Legal Description: SOUTH SHORE SUBDIV. L.79
 Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI- Fence Regulations which states in Section (1): “No fence shall be located in the front yard” **and** Title VIII- Residential (R-2) Zoning District which states in Section (4): “ There shall be two (2) side yards, each having a width of not less than eight (8) feet” **and** “not more than twenty-five percent of the area of the lot may be covered by building and/or structures.”

The Petitioner is requesting a four (4) foot picket fence in the front yard; build approximately 400 square foot deck with a side yard setback of 7 feet and over 25% lot coverage.

- a) Attorney to Review Legals: Notices and publications are in order
- b) Petitioner’s Comments: Mr. Brazeal explained his plans for the fence and deck.
- c) Remonstrators: Henry Gluth 14527 Lee St. Lot 82, he quoted the ordinance as it clearly states no fence shall be located in the front yard. He stated he has no issues with the deck as it is in the back yard. Tim Kuiper stated that written remonstrance was also received from 14523 Lee St.
- d) Building Department’s Comments: Tim Kubiak stated that it is encouraged to put fences on the property line.
- e) Board’s Discussion: Conversations took place about the ordinance and the board discussed how there will always be variances needed.
- f) Board’s Decision:

A motion was made by Jerry Wilkening and seconded by Eric Olson to approve the developmental variance as presented to include the findings of fact.

Eric Olson	Jerry Wilkening	Jeff Bunge
YES	YES	YES

Vote: 3-0

4. Zivko Matijevich- Developmental Variance

Owner/ Petitioner: Zivko Matijevich, 2301 Rocketteller Ln #B, Redondo Beach, CA 90278
 Vicinity: 8608 w. 139TH Ave., Cedar Lake, IN 46303
 Legal Description: LAKE SHORE ADD. L.6 BL.5
 Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII- Residential (R-2) Zoning District which states in Section (4): “there shall be two (2) side yards, each having a width of not less than eight (8) feet” **and** “There shall be a rear yard on not less than twenty-five percent of the

depth of the lot” **and** “ Not more than twenty-five percent of the area of the lot may be covered by buildings and/or structures” **and** “front yard setback on all other streets, a distance of thirty (30) feet.”

This Developmental Variance is to allow the Petitioner to build an addition with a five (5) foot side yard setback, move garage away from right of way with a 1.6’ foot side and rear yard setback, build a 10’ X15’ deck with a 26’ front yard setback.

- a) Attorney to Review Legals: Notices and publications are in order.
- b) Petitioner’s Comments: Helen Marinkovich 9427 Olcott Ave. St. John IN. spoke on behalf of her brother and what his plans are.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak explained that there will be better setbacks everywhere upon completion. It will be improvements to the area, nothing negative.
- e) Board’s Discussion: The board agrees with Tim Kubiak’s comments.
- f) Board’s Decision:
A motion was made by Jerry Wilkening and seconded by Eric Olson to grant the developmental variance as requested to include the findings of fact.

Eric Olson	Jerry Wilkening	Jeff Bunge
YES	YES	YES

Vote: 3-0

5. Bruce Jobb- Developmental Variance

Owner/ Petitioner: Bruce Jobb, 13701 Lauerman Unit 67, Cedar Lake, IN 46303
Vicinity: 13701 Lauerman Unit 67, Cedar Lake, IN 46303
Legal Description: Cedar Lake Ministries Lot 67 & Oulot 67
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII- Residential (R-2) Zoning District which states in Section (4): “there shall be two (2) side yards, each having a width of not less than eight (8) feet” **and** “front yard setback on all other streets, a distance of thirty (30) feet.”
This Developmental Variance is to allow the Petitioner to build a garage (12’ X 25’ in size) with a two (2) foot side yard setback and a thirteen (13) foot front yard setback.

- a) Attorney to Review Legals: Notices and publications are in order; also in the file is a conference grounds approval letter which is a prerequisite.
- b) Petitioner’s Comments: Petitioner was not present.
- c) Remonstrators: Tim Anderson Cottage #68 doesn’t want to block his lake view. Mark and Sandy Rot Cottage #72 also voiced some concerns.
- d) Building Department’s Comments: Tim Kubiak spoke on behalf of Mr. Jobb , who could not attend tonight’s meeting. Tim Kubiak explained Mr. Jobb’s plans.
- e) Board’s Discussion: Several conversations took place with suggestions and possible options.
- f) Board’s Decision:
A motion was made by Jerry Wilkening and seconded by Eric Olson to approve

the front yard setback of 17 foot and a 2 foot side yard setback to include the findings of fact.

Eric Olson	Jerry Wilkening	Jeff Bunge
YES	YES	YES

Vote: 3-0

6. Todd Dickerson- Developmental Variance

Owner/Petitioner: Todd Dickerson, 13507 Utopia Dr., Cedar Lake, IN 46303
Vicinity: 13507 Utopia Dr., Cedar Lake, IN 46303
Legal Description: UTOPIA UNIT# 3 LOT 75
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI- Fence Regulations which states in Section (1): “No fence shall be located in the front yard”

This Developmental Variance is to allow the Petitioner to put up a six foot high vinyl privacy fence in what is considered a “front yard” by definition.

- a) Attorney to Review Legals: Notices and publications are in order.
- b) Petitioner’s Comments: Mr. Dickerson explained his plan, and hopes for approval since there are already other fences in his neighborhood.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated that there are several fences in the neighborhood, but he has concern to keep vision open.
- e) Board’s Discussion: Several discussions took place. Concerns of how other fences were approved prior were also discussed. Jeff Bunge explained how board members change as well as ordinances etc.
- f) Board’s Decision:

A motion was made by Jerry Wilkening and seconded by Eric Olson to grant as requested except with a ten foot setback off Drummond Street. to include the findings of fact.

Eric Olson	Jerry Wilkening	Jeff Bunge
YES	YES	YES

Vote: 3-0

7. Tammy Franker- Developmental Variance

Owner: Tammy Franker, 12614 Havenwood Pass, Cedar Lake, IN 46303
Petitioner: Toby Styka, 12614 Havenwood Pass, Cedar Lake, IN 46303
Vicinity: 12614 Havenwood Pass, Cedar Lake, IN 46303
Legal Description: Havenwood Subdivision Phase 2, Unit 8 Lot 322
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII- Residential (R-2) Zoning District which states in Section (4):

“There shall be a rear yard on not less than twenty-five percent of the depth of the lot.”

This Developmental Variance is to allow the Petitioner to build a deck (28' X 24' in size) with a rear yard of approximately 25' (feet).

- a) Attorney to Review Legals: Notices and publications are in order
- b) Petitioner's Comments: Petitioner was not present.
- c) Remonstrators: None.
- d) Building Department's Comments: Tim Kubiak stated he had no issues with the plan.
- e) Board's Discussion: Some conversations were held amongst the board.
- f) Board's Decision:

A motion was made by Jerry Wilkening and seconded by Eric Olson to grant as requested to include the findings of fact.

Eric Olson	Jerry Wilkening	Jeff Bunge
YES	YES	YES

Vote: 3-0

8. Don Bugaski- Developmental Variance

Owner: E-5, LLC., 141 B Matteson St., Dyer, In 46311
Petitioner: Don Bugaski, 525 Seminary Drive, Dyer, IN 46311
Vicinity: 7912 Lake Shore Dr., Cedar Lake, IN 46303
Legal Description: PT. W 1/2 PARCEL 100 X 95 S.23 T.34 R.9 .219 AC
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII- Residential (R-2) Zoning which states in Section (5): “No building shall be erected for residential purposes having a minimum footprint for a two-story is eight hundred (800) square feet” **and** “Maximum attached garage size shall be eight hundred sixty-four (864) square feet” **and** Section (4) which states: “There shall be a rear yard on not less than twenty-five percent (25%) of the depth of the lot” **and** “ There shall be a front yard between the building line and the highway and street right-of-way lines as follows: On all streets designated as a part of the Federal Aid Urban Systems, as delineated by the State Highway Commission, a distance of forty (40) feet.”

The Petitioner is requesting to build a guest house with a first floor living area of approximately 275 square feet, a rear yard setback of fifteen (15) feet, front yard setback less than requirement, and an attached garage over minimum size requirement.

- a) Attorney to Review Legals: Notices and publications are in order
- b) Petitioner's Comments: Don Bugaski explained what his plans are.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak offered some options.
- e) Board's Discussion: Discussions were held amongst the members about options, and requirements.
- f) Board's Decision:

A motion was made by Jerry Wilkening and seconded by Eric Olson to grant as presented with clarification of the front yard setback of a 30ft. minimum to include the findings of fact.

Eric Olson	Jerry Wilkening	Jeff Bunge
YES	YES	YES

Vote: 3-0

Public Comment: None

Adjournment: A motion was made by Eric Olson and seconded by Jerry Wilkening to adjourn the meeting at approximately 8:50pm.

Eric Olson	Jerry Wilkening	Jeff Bunge
YES	YES	YES

Vote: 3-0

Time: 8:50pm

Eric Olson

Jeff Bunge, Vice Chairman

Jerry Wilkening

Jeremy Kuiper, Chairman

John Kiepora

Attest: _____

Shelly Myers, Recording Secretary

