



TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS MINUTES
October 9, 2014 7:00 P.M.

Call to Order (Time): 7:07P.M

Pledge to Flag:

Roll Call:

Present Eric Olson

Absent Tim Kuiper, Town Attorney

Present John Kiepura

Present Tim Kubiak, Building Commissioner

Present Jerry Wilkening

Absent Jeff Bunge, Vice Chairman

Present Shelly Myers, Recording Secretary

Absent Jeremy Kuiper, Chairman

*Brooke Faber Recording Secretary Training

*Adam Sworden filling in for Tim Kuiper

Minutes: A Motion was made by Jerry Wilkening and seconded by John Kiepura to approve the September 11, 2014 minutes. **Vote: 3-0**

New Business:

1. HB Property Management- Developmental Variance

Owner: HB Property Management, LLC, 701 East 137th Ave, Crown Point, IN 46307
Petitioner: Tim Hall, 701 East 137th Ave, Crown Point, IN 46307
Vicinity: 12832 Colfax St., Cedar Lake, IN 46303
Legal Description: Krystal Oaks Estates Lot 108
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 (25%) of the depth of the lot.

This Developmental Variance is to allow the Petitioner to build a deck (10' X 12') in size exceeding the rear yard requirement.

- a) Attorney to Review Legal's: Notices and publications are in order.
- b) Petitioner's Comments: Tim Hall wants to build a 10x12 deck in his backyard.
- c) Remonstrators: Theresa Roman, 12839 Wheeler St, was upset that there is a huge deck getting built when there isn't enough yard space as is. If she wants to put a fence up this deck would be sitting above the fence line.
- d) Building Department's Comments: No comments.
- e) Board's Discussion: Discussions were held amongst the members about options, and requirements.

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

Eric Olson	John Kiepura	Jerry Wilkening	Vote
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Yes	Yes	Yes	3-0
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2. Jerry Perkins- Developmental Variance

Owner/ Petitioner: Jerry and Karen Perkins, 10115 W. 128th Lane, Cedar Lake, IN 46303
Vicinity: 10115 W. 128th Lane, Cedar Lake, IN 46303
Legal Description: Monastery Woods Phase 1 Lot 9
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 a fence is what is considered a “front yard” by definition.

- a) Attorney to Review Legal’s: Notices and publications are in order.
- b) Petitioner’s Comments: Jerry Perkins would like to put up a fence in his backyard.
- c) Remonstrators: Frank Warren representing HOA was voicing his concern about how is this being consider a through lot.
- d) Building Department’s Comments: Tim Kubiak was mentioning things about the definitions in the ordinance. Tim Kubiak stated that they want a 6ft privacy fence.
- e) Board’s discussion: Discussions were held amongst the members about options, and requirements.

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

A motion was made by Jerry Wilkening and seconded by John Kiepura to make the fence to be treated cedar fence.

Eric Olson	John Kiepura	Jerry Wilkening	Vote
Yes	Yes	Yes	3-0

3. Jasper Industries- Developmental Variance

Owner: Jasper Industries Corp., 3676 E. 157th Ave., Hebron, IN 46341
Petitioner: B & D Regional Builders, 428 Orchard Dr., Crown Point, IN 46307
Vicinity: 13506 Cedar St., Cedar Lake, IN 46303
Legal Description: CEDAR POINT PARK EX S 5 FT L.40
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII- Residential (R-2) Zoning District which states in Section (4): “front yard setback on all other streets, a distance of thirty (30) feet” **and** “not more than twenty-five percent of the area of the lot may be covered by buildings and/or structures” **and** “there shall be two (2) side yards, each having a width of not less than eight (8) feet” **and** Section (5) which states: “Minimum footprint for a two-story is eight hundred (800) square feet” **and** Title XX- Supplementary Zoning which states in Section (23): In the event that no garage is built or constructed at the time of the construction of the residential home, the property

owner shall be required to provide a location of a garage, in the event a garage will be constructed in the future.”

This Developmental Variance is to allow the Petitioner to build a home with no garage and a 22.4’ foot front yard setback, a 3.3’ foot side yard setback, a minimum first floor square footage of 646 square feet, and exceed lot coverage requirement.

- a) Attorney to Review Legal’s: Notices and publications are in order.
- b) Petitioner’s Comments: B&D Regional Builders want to go for side set back, front yard setback, and square footage of lot. If they need to they could center the house for approval.
- c) Remonstrators: N/A
- d) Building Department’s Comments: Tim Kubiak was worried about building on a 30ft lots. Tim Kubiak had few more comments but did not see anything else wrong.
- e) Board’s Discussion: Discussions were held amongst the members about options, and requirements.
- f) Board’s Decision: Build a home with no garage and a 22.4 foot front yard setback, and an 8 foot side yard setback, a minimum first floor square footage of 646 square feet.

A motion was made by Jerry Wilkening and seconded by John Kiepura to approve the developmental variance with an 8 foot side yard and all other variances as presented to include the findings of fact.

Eric Olson	John Kiepura	Jerry Wilkening	Vote
Yes	Yes	Yes	3-0

4. John and Tammy Geiger- Developmental Variance

Owner: John and Tammy Geiger, 7517 Lakeshore Dr., Cedar Lake, IN 46303
Petitioner: B & D Regional Builders, 428 Orchard Dr., Crown Point, IN 46307
Vicinity: 7517 Lakeshore Dr., Cedar Lake, IN 46303
Legal Description: Subdiv. NW. Pt. BL.6 Shades Add Cedar Lake Plat AA lots 5,6&7
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII- Residential (R-2) Zoning District which states in Section (4): “front yard setback on all other streets, a distance of thirty (30) feet” **and** “not more than twenty-five percent of the area of the lot may be covered by buildings and/or structures” **and** “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 home with a 15’ foot front yard setback, exceed the required rear yard setback, and exceed lot coverage requirement.

- a) Attorney to Review Legal’s: Notices and publications are in order.
- b) Petitioner’s Comments: John and Tammy Geiger, 7517 Lakeshore Dr., want to build a home with a 15 foot front yard setback.
- c) Remonstrators: N/A
- d) Building Department’s Comments: No comment
- e) Board’s Discussion: Discussions were held amongst the members about options, and requirements.

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

Eric Olson	John Kiepura	Jerry Wilkening	Vote
Yes	Yes	Yes	3-0

5. Franciscan Fathers- Developmental Variance

Owner/Petitioner: Franciscan Fathers, PO Box 621, Cedar Lake, IN 46303
Vicinity: 12915 Parrish Ave., Cedar Lake, IN 46303
Legal Description: Franciscan Friars ABVM Lourdes Friary Add Lot 1
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** “fences shall not be constructed of chain link, wire, or an equivalent type of material adjacent to any street.”
This Developmental Variance is to allow the Petitioner to replace the existing chain link fence with a new chain link fence in what is considered a “front yard” by definition.

- a) Attorney to Review Legal’s: Notices and publications are in order.
- b) Petitioner’s Comments: Franciscan Fathers want to replace their chain link fence with a new one.
- c) Remonstrators: N/A
- d) Building Department’s Comments: No comments.
- e) Board’s Discussion: Discussions were held amongst the members about options, and requirements.

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

Eric Olson	John Kiepura	Jerry Wilkening	Vote
Yes	Yes	Yes	3-0

There was no public comment and the meeting adjourns approximately at 8:03 P.M.

Eric Olson

Jeff Bunge, Vice Chairman

Jerry Wilkening

Jeremy Kuiper, Chairman

John Kiepura

Attest: _____
Brooke Faber, Recording Secretary

