



TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS – PUBLIC MEETING
March 12, 2015 7:00 P.M.

Call to Order (Time): 7:00 P.M.

Pledge to Flag:

Roll Call:

Present Eric Olson

Present John Kiepora

Present Jerry Wilkening

Present Jeff Bunge

Present Jeremy Kuiper

Present Tim Kuiper, Town Attorney

Present Tim Kubiak, Building Commissioner

Present Brooke Faber, Recording Secretary

Minutes: A motion made by Eric Olson and seconded by Jerry Wilkening to approve February 12, 2015 Public Meeting Minutes.

New Business:

1. Donald Sikma- Developmental Variance

Owner/Petitioner: Donald Sikma Jr., 14211 Magoun Street, Cedar Lake, IN 46303

Vicinity: 13701 Lauerman, Lot 18, Cedar Lake, IN 46303

Legal Description: Cedar Lake Ministries Lot 18

Tax Key Number(s): 45-15-27-408-008.000-014

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 of not less than twenty-five percent (25%) of the depth of the lot” **and** “Not more than twenty-five percent (25%) of the area of the lot may be covered by buildings and/or structures” **and** “there shall be two side yards, each having a width of not less than eight (8) feet” **and** “There shall be a front yard between the building line and the highway and street right of way lines as follows: on all other streets, a distance of thirty (30) feet” **and** in Section (3): “the maximum height of building and other structures erected or enlarged in this Zoning District shall be two stories, not to exceed thirty (30) feet at its peak.”

The Petitioner is requesting a Developmental Variance to build a home with a maximum height of thirty-two (32) feet, exceeding maximum lot coverage, three front yards (each under 30 feet requirement), side yard setback of four (4) feet, and exceeding rear yard requirement.

- a) Attorney to Review Legal’s: Notices and publications are in order to have this meeting. Tim Kuiper read a letter to the board that Larry Spender approved the plan.
- b) Petitioner’s Comments: Donald Sikma, 14211 Magoun St, Cedar Lake, IN 46303 is present to show what they want to build.
- c) Remonstrators: No remonstrators.
- d) Building Department’s Comments: Tim Kubiak had no comments or issues.
- e) Board’s Discussion: Discussions were held amongst the members about options, and requirements.

A motion made by Jerry Wilkening and seconded by Eric Olson to approve this variance to build a home with a maximum height of thirty-two (32) feet, exceeding maximum lot coverage, three front yards (10ft, 10ft, & 16.7ft), side yard setback of four (4) feet, and exceeding rear yard requirement and to include the findings of fact.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

2. Sierra Homes/Woods of Cedar Creek- Developmental Variance

Owner/Petitioner: Chrisandy Inc., Sierra Homes, 6484 N. 300 E., Leesburg, IN 46538
 Vicinity: Woods of Cedar Creek, Lots 10, 11, 12, 13, 15, 16, 17, & 18
 Legal Description: Woods of Cedar Creek Pt of Lot 10 (14243 & 14245 Rocklin St)
 Woods of Cedar Creek Pt of Lot 11 (14240 & 14242 Sherman St)
 Woods of Cedar Creek Pt of Lot 12 (14230 & 14232 Sherman St)
 Woods of Cedar Creek Pt of Lot 13 (6820 & 6822 W. 142nd Pl)
 Woods of Cedar Creek Pt of Lot 15 (14219 & 14221 Sherman St)
 Woods of Cedar Creek Pt of Lot 16 (14229 & 14231 Sherman St)
 Woods of Cedar Creek Pt of Lot 17 (14239 & 14241 Sherman St)
 Woods of Cedar Creek Pt of Lot 18 (6815 & 6817 142nd Ln)
 Tax Key Number(s): 45-15-35-201-003.000-043, 45-15-35-204-007.000-043, 45-15-35-204-005.000-043, 45-15-35-202-019.000-043, 45-15-35-202-023.000-043, 45-15-35-202-025.000-043, 45-15-35-202-027.000-043, 45-15-35-203-027.000-043
 Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title IX- Residential Two Family (RT) Zoning District which states in Section (4): "There shall be a rear yard of not less than twenty-five percent (25%) of the depth of the lot."

The Petitioner is requesting a Developmental Variance to build a home with a rear yard of thirty (30) feet on lots 10, 11, 12, 16, and 17, a rear yard of twenty-two (22) feet on lots 13 and 15, and a rear yard of thirty-three (33) feet on lot 18.

- Attorney to Review Legal's: Notices and publications are in order to have this meeting.
- Petitioner's Comments: Doug Rettig Engineer, Land Technologies 8015 Cleveland PL, Merrillville, IN 46410, spoke for Chris Adams the owner of Sierra Homes. He explained the rear yard setbacks are to be able to build sunrooms on the back of homes.
- Remonstrators: No remonstrators.
- Building Department's Comments: Tim Kubiak recommended that Chris Adams come for the variance due to the high demand for sunrooms.
- Board's Discussion: Discussions were held amongst the members about options, and requirements.

A motion was made by John Kiepura and seconded by Eric Olson to approve this variance to build a home with a rear yard of thirty (30) feet on lots 10, 11, 12, 16, and 17, a rear yard of twenty-two (22) feet on lots 13 and 15, and a rear yard of thirty-three (33) feet on lot 18 and to include the findings of fact.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

An amendment was made by John Kiepura and seconded by Eric Olson to waive the one-year building permit expiration date until the initial building is constructed.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

3. Schilling Development- Lakeside Subdivision- Developmental Variance

Owner: Cedar Lake 133, LLC., PO Box 677, St. John, IN 46373
Petitioner: Schilling Development, PO Box 677, St. John, IN 46373
Vicinity: 5711 W. 133rd. Ave., Cedar Lake, IN, 46303
Legal Description: THE EAST HALF (E ½) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY-FIVE (25), TOWNSHIP THIRTY-FOUR (34) NORTH, RANGE NINE (9) WEST OF THE SECOND PRINCIPAL MERIDIAN, CONTAINING EITHY (80) ACRES, MORE ORO LESS, IN LAKE COUNTY, INDIANA. (E2. NW. S.25 T.34 R.9 80A.)
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 of not less than twenty-five percent (25%) of the depth of the lot” **and** “a lot area of not less than ten thousand (10,000) square feet, and a lot width of not less than ninety feet (90) at the building line shall be provided for every building.”

The Petitioner is requesting a Developmental Variance to build homes with a less than required rear yard setback, and a minimum lot width of eighty (80) feet.

- a) Attorney to Review Legal’s: Notices and publications are in order to have this meeting.
- b) Petitioner’s Comments: Jack Slager with Schilling Development to talk about Lakeside Development. Jack Slager gave some history about the parcel before Schilling Development started. Schilling Development wants to have lot width of eighty feet instead of the ninety feet and a rear yard setback of 30 feet.
- c) Remonstrators: Tim Kuiper read a letter from a remonstrator Robert Butta & Tiffany Crate, 5517 W 133rd Ave, Crown Point, IN 46307 and 11524 W 119th, Cedar Lake, IN 46303. Mark Zurbriggen, 13730 Reeder RD, Crown Point, IN 46307 talked about drainage. Tim Kuiper mentioned that Plan Commission meeting is what he needs to attend. Kenneth Kramer, 13501 Cardinal LN, Cedar Lake, IN 46303 asked if the easement between Robins Nest and Lakeside has been taken care of. Jack Slager made the comment that it is now in their ownership. Robert Butta, 5517 W 133rd Ave, Crown Point, IN 46307, is present to mention that builders need to be built to current ordinance. Robert Butta does not like how developers can come in and change the ordinance. Robert Butta recommends that he would make it 190 lots to keep the width at 90ft. Phillip Cicero, 13335 Cardinal LN, Cedar Lake, IN 46303, is present to discuss traffic and drainage. Overall Phillip Cicero would like an explanation on how 90ft was good back when it passed but is not good now. James Rajchel, 6033W 136th PL, Cedar Lake, IN 46303, Robins Nest Association, talked about the traffic on 133rd is already busy, adding additional 200 cars would make it worse. James Rajchel discussed expanding 133rd to help with traffic. David Gallas, 13455 Cardinal LN, Cedar Lake, IN 46303 wanted to state he is against it and asked a few questions about

the easement in between the subdivisions. Chris Adams from Sierra Homes wanted to state that being a builder having a rear yard setback with a set number is appreciated.

- d) Building Department's Comments: Tim Kubiak recommended the 30ft rear yard setback because on certain lots it could be difficult to tell 25%.
- e) Board's Discussion: Discussions were held amongst the members about options, and requirements. John Kiepura mentioned that redoing the plot would be additional cost for Schilling Development. Jerry Wilkening asked if the original plot was laid out for 80ft lots, answer was yes.

A motion made by John Kiepura and seconded by Jerry Wilkening to approve this variance to build homes with a 30ft rear yard setback, and a minimum lot width of eighty (80) feet and waive the one-year building permit and to include the findings of fact.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

4. Schilling Development- Lynnsway- Developmental Variance

Owner: Lynnsway Development, LLC, PO Box 677, St. John, IN 46373
 Petitioner: Schilling Development, PO Box 677, St. John, IN 46373
 Vicinity: 14928-A CAREY STREET, 14928-B CAREY STREET, 14938-A CAREY STREET, 14938-B CAREY STREET, 14948-A CAREY STREET, 14948-B CAREY STREET, 15008-A CAREY STREET, 15008-B CAREY STREET, 15018-A CAREY STREET, 15018-B CAREY STREET, 15042-A CAREY STREET, 15042-B CAREY STREET, 15037-A DRUMMOND AVENUE, 15037-B DRUMMOND AVENUE, 15025-A DRUMMOND AVENUE, 15025-B DRUMMOND AVENUE, 15017-A DRUMMOND AVENUE, 15017-B DRUMMOND AVENUE, 15005-A DRUMMOND AVENUE, 15005-B DRUMMOND AVENUE, 14945-A DRUMMOND AVENUE, 14945-B DRUMMOND AVENUE, 14935-A DRUMMOND AVENUE, 14935-B DRUMMOND AVENUE, 14925-A DRUMMOND AVENUE, 14925-B DRUMMOND AVENUE, 14922-A DRUMMOND AVENUE, 14922-B DRUMMOND AVENUE, 14932-A DRUMMOND AVENUE, 14932-B DRUMMOND AVENUE, 14942-A DRUMMOND AVENUE, 14942-B DRUMMOND AVENUE, 15002-A DRUMMOND AVENUE, 15002-B DRUMMOND AVENUE, 15012-A DRUMMOND AVENUE, 15012-B DRUMMOND AVENUE, 15022-A DRUMMOND AVENUE, 15022-B DRUMMOND AVENUE, 15032-A DRUMMOND AVENUE, 15032-B DRUMMOND AVENUE, 15039-A CAREY STREET, 15039-B CAREY STREET, 15029-A CAREY STREET, 15029-B CAREY STREET, 15019-A CAREY STREET, 15019-B CAREY STREET, 15009-A CAREY STREET, 15009-B CAREY STREET, 14949-A CAREY STREET, 14949-B CAREY STREET, 14939-A CAREY STREET, 14939-B CAREY STREET, 14929-A CAREY STREET, 14929-B CAREY STREET
 Legal Description: Lynnsway Lot 128-217
 Tax Key Number(s): 45-19-04-226-005.000-057, 45-19-04-226-006.000-057, 45-19-04-226-007.000-057, 45-19-04-226-008.000-057 45-19-04-226-009.000-057 45-19-04-226-010.000-057 45-19-04-226-011.000-057 45-19-04-226-012.000-057 45-19-04-226-013.000-057 45-19-04-226-014.000-057 45-19-04-226-019.000-057 45-19-04-226-020.000-057 45-19-04-228-017.000-057 45-19-04-228-018.000-057 45-19-04-228-015.000-057 45-19-04-228-016.000-057 45-19-04-228-013.000-057

45-19-04-228-014.000-057 45-19-04-228-011.000-057 45-19-04-228-012.000-057 45-19-04-228-009.000-057 45-19-04-228-010.000-057 45-19-04-228-007.000-057 45-19-04-228-008.000-057 45-19-04-228-005.000-057 45-19-04-228-006.000-057 45-19-04-227-023.000-057 45-19-04-227-024.000-057 45-19-04-227-025.000-057 45-19-04-227-026.000-057 45-19-04-227-028.000-057 45-19-04-227-029.000-057 45-19-04-227-030.000-057 45-19-04-227-031.000-057 45-19-04-227-033.000-057 45-19-04-227-034.000-057 45-19-04-227-035.000-057 45-19-04-227-036.000-057 45-19-04-227-017.000-057 45-19-04-227-018.000-057 45-19-04-227-015.000-057 45-19-04-227-016.000-057 45-19-04-227-013.000-057 45-19-04-227-014.000-057 45-19-04-227-012.000-057 45-19-04-227-010.000-057 45-19-04-227-007.000-057 45-19-04-227-008.000-057 45-19-04-227-005.000-057 45-19-04-227-006.000-057

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 of not less than twenty-five percent (25%) of the depth of the lot” **and** “Not more than twenty-five percent (25%) of the area of the lot may be covered by buildings and/or structures” **and** “there shall be two side yards, each having a width of not less than eight (8) feet” **and** “a lot area of not less than ten thousand (10,000) square feet, and a lot width of not less than ninety feet (90) at the building line shall be provided for every building.”

The Petitioner is requesting a Developmental Variance to build homes with a twenty (20) foot rear yard setback, a five (5) foot side yard setback, a 6,250 (50x125) square foot lot size, and a fifty (50) foot lot width.

- a) Attorney to Review Legal’s: Notices and publications are in order to have this meeting.
- b) Petitioner’s Comments: Jack Slager, Schilling Development, is present to create cottage homes in the 27 lots that were acquired. Schilling Development re-subdivided those lots into two separate lots. Jack Slager also mentioned changing from addresses being A and B into individual addresses. Jack Slager was comfortable with saying no fencing in between the houses.
- c) Remonstrators: No remonstrators
- d) Building Department’s Comments: Tim Kubiak has no issues with Schilling Development creating the separate lots to put cottage homes on them.
- e) Board’s Discussion: Discussions were held amongst the members about options, and requirements. Jeff Bunge asked about fencing in between properties with the five foot side yard causing a safety hazard.

A motion made by Jeff Bunge and seconded by Eric Olson to build homes with a twenty (20) foot rear yard setback, a five (5) foot side yard setback, a 6,250 (50x125) square foot lot size, and a fifty (50) foot lot width, and to include the findings of fact. No fences located in the side yard between the houses.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

A motion was made by Eric Olson and seconded by Jerry Wilkening to waive the one-year building permit expiration date until the initial building is constructed.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

A meeting adjourned approximately 8:30 P.M.

Press Session: Board of Zoning Appeals Meeting- April 9, 2015 at 7:00pm

Eric Olson

Jeff Bunge, Vice Chairman

Jerry Wilkening

Jeremy Kuiper, Chairman

John Kiepora

Attest: Brooke Faber, Recording Secretary

The Town of Cedar Lake is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, please contact the Town Hall at (219) 374-7400.