



TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS PUBLIC MEETING MINUTES
April 9, 2015 7:00 P.M.

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

Pledge to Flag:

Roll Call:

Absent Eric Olson

Present John Kiepura

Absent 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 Jeff Bunge and seconded by John Kiepura to defer minutes to next public meeting. Vote: 3-0

New Business:

1. Steve Gibson- Developmental Variance

Owner/Petitioner: Steve Gibson, 14773 Ivy St., Cedar Lake, IN 46303
Vicinity: 14773 Ivy St., Cedar Lake, IN 46303
Legal Description: Lynnsway Unit 2 Lot 36
Tax Key Number(s): 45-15-33-481-009.000-014
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 put up a fence in what is considered a “front yard” by definition.

- a) Attorney to Review Legal’s: Notices and publications are in order to have this meeting.
- b) Petitioner’s Comments: Steve Gibson, 14773 Ivy St, Cedar Lake, IN 46303 is present to add a fence in what is considered a front yard by definition.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak mentioned that they are in the process of changing the ordinance so that this doesn’t happen anymore.
- e) Board’s Discussion: Jeremy Kuiper stated that they see this a lot and as long as they are lined up there shouldn’t be any issue.

A motion made by John Kiepura and seconded by Jeff Bunge to approve this variance as present, and to include the findings of fact.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Absent	Yes	Yes	Absent	Yes	3-0

2. Amanda Eby- Developmental Variance

Owner/Petitioner: Amanda Eby, 8718 Truman Circle, Cedar Lake, IN 46303
Vicinity: 8718 Truman Circle, Cedar Lake, IN 46303
Legal Description: Consumer's Tract Plat H.M. Bartletts Add Cedar Lake BL.2 lots 1,2 & 3
Tax Key Number(s): 45-15-22-459-029.000-014
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XVIII- Residential Zoning which states in Section (4): “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 “No more than twenty-five percent (25%) of the area of the lot may be covered by buildings and/or structures.

This Developmental Variance is to allow the Petitioner to build a front porch approximately thirteen (13) feet from Truman Circle, approximately seventeen (17) feet from Marquette Street, and exceeds lot coverage requirement.

- a) Attorney to Review Legal’s: Notices and publications are in order to have this meeting.
- b) Petitioner’s Comments: Amanda Eby, 8718 Truman Circle, Cedar Lake, IN 46303, is present due to fire at her house that made them have to remove their front porch. The deck has the same footprint just adding a deck above it.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak talked about why they mentioned lot coverage to be safe, in case it does take a little bit.
- e) Board’s Discussion: Discussions were held amongst the members about options, and requirements.

A motion made by Jeff Bunge and seconded by John Kiepura to approve to build a front porch approximately thirteen (13) feet from Truman Circle, Approximately seventeen (17) feet from Marquette Street, and exceeds lot coverage requirement, and to include the findings of fact.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Absent	Yes	Yes	Absent	Yes	3-0

3. Don Frey- Developmental Variance

Owner/Petitioner: Don Frey, 332 E. 125th Place, Crown Point, IN 46307
 Vicinity: 14527 Lake Shore Dr., Cedar Lake, IN 46303
 Legal Description: SOUTH SHORE SUB. L.1 & 2
 Tax Key Number(s): 45-15-35-304-001.000-043
 Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XIII- Community Business (B2) which states in Section (5): “There shall be a front yard between the building line and the highway and street right of way lines as follows: 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” and “No more than twenty-five percent (25%) of the area of the lot may be covered by buildings and/or structures.”

This Developmental Variance is to allow the Petitioner to build an outdoor setting area and deck with a seven (7) foot front yard setback. Property is considered to have two (2) front yards by definition and exceeds lots coverage.

- a) Attorney to Review Legal’s: Notices and publications are in order to have this meeting.
- b) Petitioner’s Comments: Don Frey, 332 E. 125th PL, Crown Point, IN 46307, would like to take the front windows out and install rolling doors to have outside sitting. He will put in a guardrail. Don Frey recommended cutting the corner closest to the road out for the safety of customers.
- c) Remonstrators: Doug Spencer, 8506 W 141st LN, Cedar Lake, IN 46303 is in favor of this business and would like to see a guardrail for safety reasons. Barbara Crepeau, 7714 W 134th PL, Cedar Lake, IN 46303 is in favor of this business because she has wanted someone to put a deck out in front of the building.
- d) Building Department’s Comments: Tim Kubiak looked at the property and that the deck would be in a good place. There should be no reason we could not work something out so he can continue.

- e) Board’s Discussion: Jeremy Kuiper asked how far off the road would it be. The answer is approximately 7 feet away. Jeremy Kuiper was worried about the safety of people sitting out on the deck. A guardrail should be required around the curve.

A motion made by John Kiepura and seconded by Jeff Bunge to approve to build an outdoor setting area and deck with a minimum 10ft from asphalt and appropriate guardrail approved by Tim Kubiak, building commissioner, and to including the findings of fact.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Absent	Yes	Yes	Absent	Yes	3-0

4. Jent Botterman- Developmental Variance

Owner/Petitioner: Jent Botterman, 1821 E. Rainbow Lane, Crete, IL 60417
Vicinity: 7712 W. 134TH Place, Cedar Lake, IN 46303
Legal Description: CEDAR POINT PARK L.20
Tax Key Number(s): 45-15-26-101-003.000-043
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XVIII- Residential (R2) Zoning which states in Section (3): The maximum height of buildings and other structures erected or enlarge in this Zoning District shall be two (2) stories, not to exceed thirty (30) feet at its peak” and Section (4): “There shall be a rear yard on not less than twenty-five percent (25%) of the depth of the lot” and “On each lot, there shall be two side yards, each having a width of not less than eight feet.”

This Developmental Variance is to allow the Petitioner to build a three story home with a thirty-two (32) foot peak, side yard setback of four (4) feet, and a rear yard setback of less than five (5) feet.

- a) Attorney to Review Legal’s: Notices and publications are in order to have this meeting.
- b) Petitioner’s Comments: Jent Botterman, 1821 E. Rainbow Lane, Crete, IL 60417 is present to build a three story home with a thirty- two foot peak, side yard setback of four feet, and a rear yard setback of less than five feet. Repeatedly told everyone that he did not want to have any trouble with neighbors and is willing to work with everyone.
- c) Remonstrators: Lynda Dolan, 7716 W 134th PL, Cedar Lake, IN 46303 has concerns about her view. Albert Yurkus, 7710 W 13^{4th} PL, Cedar Lake, IN 46303 started talking about how the size of the houses around him are overbearing compared to the other houses around them. There was discussion about parking on the street. Barbara Crepeau, 7714 W 134th PL, Cedar Lake, IN 46303 had a few concerns about the size of the home along with the view. The remonstrator’s main issue with the building plan is the obstruction of their view. They would like the commission to keep that in mind.
- d) Building Department’s Comments: Tim Kubiak stated he doesn’t know where the less than five feet came from for the rear yard setback, wants to disregard that. Tim Kubiak wants to be able to get with Jent Botterman to talk about the plans of the house to accommodate remonstrators and commissions suggestions. Recommendation to defer to hold a special meeting to prevent hold up on construction.
- e) Board’s Discussion: Discussions were held amongst the members about options, and requirements.

A motion made by Jeff Bunge and seconded by John Kiepura to hold a special meeting for approval.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Absent	Yes	Yes	Absent	Yes	3-0

5. Herman Fisher/BP- Developmental and Use Variances

Owner: Herman Fisher, 7404 E. Plank Trail, Frankfort, IL 60423
 Petitioner: Cleon Stutler, 2155 Willowcreek Rd, Portage, IN 46368
 Vicinity: 13302 Wicker Ave, Cedar Lake, IN 46303
 Legal Description: PT NE NE S.29 T.34 R.9 (100X100FT.) .230 AC,
 PT NE1/4 NE1/4 S.29 T.34 R.9 1.037AC SUBJ TO ESMT,
 PT. NE NE 164 X 198FT. S.29 T.34 R.9 .761AC. SUBJ. TO
 EASEMENT,
 PT NE NE S.29 T.34 R.9 PERPETUAL R/W EASM'T 17.5X 198FT
 .079AC
 Tax Key Number(s): 45-15-29-229-022.000-014, 45-15-29-229-021.000-014,
 45-15-29-229.019.000-014, 45-15-29-229-020.000-014
 Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance
 No. 496, Title XIII- Community Business (B-2) Zoning District Section 5-
 Area, Width, and Yard Regulations which states, "There shall be a front
 yard between the building line and the highway line and the highway or
 street right-of-way lines as follows: 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."

Petitioner is requesting a Use Variance from Zoning Ordinance No. 496,
 Title XIII- Community Business (B-2) Zoning District Section 3 states
 "The following uses may be allowed by special exception: drive-in
 restaurants."

*This Developmental Variance is to allow a structure(s) to be built within
 front yard setback. The Use Variance is to allow a second use for food
 service at a convenience store with a drive-up window.*

- a) Attorney to Review Legal's: Notices and publications are in order to have this meeting.
- b) Petitioner's Comments: None.
- c) Remonstrators: None.
- d) Building Department's Comments: Tim Kubiak stated that the variance is expired and that is why it is here.
- e) Board's Discussion: Discussions were held amongst the members about options, and requirements.

A motion made by Jeff Bunge and seconded by John Kiepura to approve to be build within front yard setback, and to include the findings of fact.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Absent	Yes	Yes	Absent	Yes	3-0

g.) Board's Recommendation (Use Variance):

A motion made by Jeff Bunge and seconded by John Kiepura to send a favorable recommendation to Town Council for the special use variance to allow a second use for food service at a convenience store with a drive-up window, and to include the findings of fact.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Absent	Yes	Yes	Absent	Yes	3-0

No public comment.
Meeting adjourned approximately 9:12 P.M.

Press Session: Board of Zoning Appeals Meeting- May 14, 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.