



**TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS
PUBLIC MEETING MINUTES
May 14, 2015 7:00 P.M.**

Call to Order (Time): 7:01 P.M.

Pledge to Flag:

Roll Call:

Present Eric Olson

Present John Kiepora

Present Jerry Wilkening

Absent Jeff Bunge

Absent Jeremy Kuiper

Present Tim Kuiper, Town Attorney

Present Tim Kubiak, Building Commissioner

Present Brooke Faber, Recording Secretary

Minutes:

A motion made by Jerry Wilkening and seconded by John Kiepora to approve April 9, 2015 Public Meeting & April 22, 2015 Special Public Meeting minutes. Roll Call Vote: 3-0

New Business:

1. Wooden Shoe Homes- Developmental Variance

Owner/Petitioner: Wooden Shoe Homes, LLC, 13019 Wicker Ave., Cedar Lake, IN 46303

Vicinity: 7107 W. 132nd Ave., Cedar Lake, IN 46303

Legal Description: SHADES ADD. CEDAR LAKE PLAT B A ALL L.4 BL.7

Tax Key Number(s): 45-15-23-455-008.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XX-Supplementary Zoning which states in Section (23): “Recorded lots which have less than the minimum area requirements for Residential Zoning Districts, may nevertheless be used for any use permitted therein, except that for dwellings the lot must have a width of at least fifty (50) feet and an area of at least five thousand (5000) square feet” **and** “ 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, on the Build Permit Application for the house.”

This Developmental Variance is to allow the Petitioner to build a 32' X 24' home with a ten (10) foot front yard setback and no garage, exceeding lot size requirement.

- a) Attorney to Review Legal's: Notices and publications are in order to have this meeting. Tim Kuiper stated since petitioner is not here we can move to the last item.
- b) Petitioner's Comments: n/a
- c) Remonstrators: n/a
- d) Building Department's Comments: n/a
- e) Board's Discussion: Petitioner is not here, defer to next public meeting.

A motion was made to defer this item to the next public meeting on June 11, 2015.

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

2. Juan Garza- Developmental Variance

Owner/Petitioner: Juan Garza, 10125 W. 128th Lane, Cedar Lake, IN 46303
Vicinity: 10125 W. 128th Lane, Cedar Lake, IN 46303
Legal Description: Monastery Woods Phase 1 Lot 10
Tax Key Number(s): 45-15-21-251-020.000-014
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXXIV- Swimming Pool which states in Section (3): “No portion of an outdoor swimming pool shall be located at a distance of less than ten (10) feet from any side or rear property line, or building line, or any other location where a “structure” is prohibited” **and** Title XXI-Fence Regulations Section (A): “No fence shall be placed in a front yard” **and** Title VIII-Residential (R2) Zoning Section (4) which states “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.”

This Developmental Variance is to allow the Petitioner to build a 18’ X 9’ deck around an 18’ diameter pool with a 6’ cedar fence on the property line in what is considered a “front yard” by definition with a proposed six (6) foot side yard and less than ten (10) from the home.

- a) Attorney to Review Legal’s: Notices and publications are in order to have this meeting.
- b) Petitioner’s Comments: Jamie Garza, 10125 W. 128th LN, Cedar Lake, IN 46303 is present to answer any questions the commission may have.
- c) Remonstrators: No remonstrators
- d) Building Department’s Comments: Tim Kubiak asked if the fence would be on the 20ft utility easement line.
- e) Board’s Discussion: John Kiepura asked if this is a through lot. The answer was yes it is a through lot. Jerry Wilkening asked if this fence would start at the front or the back of the house. There was not an exact answer to Jerry Wilkening question. Jerry Wilkening asked who would take care of the utility easement on the backside of the fence. Usually the property owner or the subdivision takes care of the easement.

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

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

3. Richard Kelly- Developmental Variance

Owner/Petitioner: Richard S. Kelly, 14703 Ivy St., Cedar Lake, IN 46303
Vicinity: 14703 Ivy St., Cedar Lake, IN 46303
Legal Description: Lynnsway Unit 2 Lot 28
Tax Key Number(s): 45-15-33-481-001.000-014
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXXIV- Swimming Pool which states in Section (3): “No portion of an outdoor swimming pool shall be located at a distance of less than ten (10) feet from any side or rear property line, or building line, or any other location where a “structure” is prohibited” **and** Title XXI-Fence Regulations Section (A): “No fence shall be placed in a front yard.”

This Developmental Variance is to allow the Petitioner to place a pool and six (6) foot vinyl privacy 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: Richard and Denise Kelly, 14703 Ivy St., Cedar Lake, IN 46303 are present to install a swimming pool and a 6ft vinyl fence. The fence is going to start on the back of the garage and go out 6ft until the property line.
- c) Remonstrators: No remonstrators.
- d) Building Department’s Comments: Tim Kubiak had a question about where the fence is going to be on the side yard.
- e) Board’s Discussion: No discussion.

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

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

4. Eric Krueger- Developmental Variance

Owner/Petitioner: Eric Krueger, 12930 Wildwood Dr., Cedar Lake, IN 46303
Vicinity: 12930 Wildwood Dr., Cedar Lake, IN 46303
Legal Description: 45-15-21-327-009.000-014
Tax Key Number(s): WILDWOOD ESTATES TO CEDAR LAKE LOT 1
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XVIII- Residential Zoning which states in Section (5): “Maximum attached garage size shall be eight hundred sixty-four (864) square feet.”

This Developmental Variance is to allow the Petitioner to build a 1059 square foot garage exceeding the maximum allowable size.

- a) Attorney to Review Legal’s: Notices and publications are in order to have this meeting.
- b) Petitioner’s Comments: Eric Krueger, 12930 Wildwood Dr., is present to build a 1059 square foot garage.
- c) Remonstrators: No remonstrators.
- d) Building Department’s Comments: Tim Kubiak has already given Eric Krueger a building permit. If the board does not approve, Eric Krueger agreed to build a storage compartment if needed so.
- e) Board’s Discussion: No discussion.

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

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

A meeting adjourned at 7:30 P.M.

Press Session: Board of Zoning Appeals Meeting- June 11, 2015 at 7:00pm

Eric Olson

Jeff Bunge, Vice Chairman

Jerry Wilkening

Jeremy Kuiper, Chairman

John Kiepura

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.