



**TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS
PUBLIC MEETING
June 11, 2015 7:00 P.M.**

Call to Order (Time):7:04

Pledge to Flag:

Roll Call:

Absent Eric Olson

Present John Kiepura

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 John Kiepura and seconded by Jerry Wilkening to approve May 14, 2015 Public Meeting minutes. Roll Call Vote: 4-0

Old 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.
- b) Petitioner's Comments: Paul Banter, 7107 W. 132nd Ave., Cedar Lake, IN 46303 is present to build a 32'X24' home with a ten-foot front yard setback

and no garage. Paul Banter commented that the house that was previously there was in bad condition. Paul Banter and Tim Kubiak both discussed best to tear down house and rebuild.

- c) Remonstrators: No Remonstrators.
- d) Building Department's Comments: Tim Kubiak said it is similar in size that was there before.
- 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 the variance to build a 32'X24' home with a twelve-foot front yard setback and no garage, exceeding lot size requirement, and to include the findings of fact.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Absent	Yes	Yes	Yes	Yes	4-0

New Business:

1. Robert Moore- Developmental Variance

Owner/Petitioner: Robert Moore, 9701 W. 150th Ct., Cedar Lake, IN 46303
Vicinity: 9701 W. 150th Ct., Cedar Lake, IN 46303
Legal Description: Lynns way Unit 3 Lot 146
Tax Key Number(s): 45-19-04-230-019.000-057
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII- Accessory Regulations in Section (1) which states: "No accessory buildings shall be allowed in the front yard of any residential lot" **and** Title XXI- Fence Regulations in Section (1) which states: "No fence shall be located in the front yard."

This Developmental Variance is to allow the Petitioner to build a 10' X 12' shed and put up a six (6) foot wood 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: Robert Moore, 9701 W. 150th Ct., Cedar Lake, IN 46303 is present to build a 10'X12' shed and put up six foot wood fence in "front yard" by definition.
- c) Remonstrators: No remonstrators
- d) Building Department's Comments: No comment.
- 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 the variance to build a 10'X12' shed and put up six-foot wood fence in "front yard" by definition, and to include the findings of fact.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Absent	Yes	Yes	Yes	Yes	4-0

2. Yvonne Taves- Special Use Variance

Owner/Petitioner: Yvonne Taves, 13518 Dewey St., Cedar Lake, IN 46303
 Vicinity: 13424 Morse St., Cedar Lake, IN 46303
 Legal Description: CEDAR POINT PARK LOTS 456, 457, 458, & 459
 Tax Key Number(s): 45-15-26-179-027.000-043
 Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XX- Supplementary Zoning District which states in Section (16) Home Occupation: "A home occupation may include such traditional activities as the practice of a creative art, dressmaking, musical or other instruction limited to a single pupil at a time...however, it shall not be interpreted to include a real estate agency, dancing school, beauty parlor, barber shop, massage establishment..."

This Special Use Variance is to allow the Petitioner to operate Wahlberg Photography, a photography studio, out of a residential property. The hours of operation would be Monday-Friday from 9AM-5PM and weekends by appointment only. Parking would be in front of the residence for the company vehicles, two vans and one trailer, and a few customer parking spots.

- a) Attorney to Review Legal's: Notices and publications are in order to have this meeting.
- b) Petitioner's Comments: Yvonne Taves, 13518 Dewey St., Cedar Lake, IN 46303 is present to operate Wahlberg Photography.
- c) Remonstrators: No Remonstrators.
- d) Building Department's Comments: No comment.
- e) Board's Discussion: Discussions were held amongst the members about options, and requirements.

A motion by John Kiepura and seconded by Jerry Wilkening to send a favorable recommendation to Town Council to allow the petitioner to operate Wahlberg Photography, a photography studio, out of a residential property. The hours of operation would be Monday-Friday from 9AM-5PM and weekends by appointment only. Parking would be in front of the residence for the company vehicles, two vans and one trailer, and a few customer parking spots.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Absent	Yes	Yes	Yes	Yes	4-0

3. Charles & Deidra Curry- Developmental Variance

Owner/ Petitioner: Charles & Deidra Curry, 3581 Woodgate Ct., Wheatfield, IN 46392
Vicinity: 13640 Morse St., Cedar Lake, IN 46303
Legal Description: E.140.4FT OF THE 158.8FT. LY'G BTWN ELIZABETH ST. & IDA ST.
IN THE W.1/2 S.26 T. 34 R.9 .511AC.
Tax Key Number(s): 45-15-26-185-032.000-043
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI- Fence Regulations in Section (1) which states: “No fence shall be located in the front yard” **and** Title XXII- Sign Regulations in Section (3) which states: “No more than two (2) on premise signs shall be allowed on zoning lot.”

This Developmental Variance is to allow the Petitioner to build a 18' X 40' addition to the existing building, replace existing wood fence with iron in what is considered a “front yard” by definition, and to install an 8' X 4' sign on the southeast corner of the lot exceeding the maximum number of allowable signs.

- a) Attorney to Review Legal’s: Notices and publications are in order to have this meeting.
- b) Petitioner’s Comments: Charles Curry, 3581 Woodgate Ct., Wheatfield, IN 46392 is present to build an 18' X 40' addition to the existing building, replace existing wood fence with iron in what is considered a “front yard” by definition, and to install an 8' X 4' sign on the southeast corner of the lot exceeding the maximum number of allowable signs.
- c) Remonstrators: Robert Carnahan, 12850 Fairbanks St, Cedar Lake, IN 46303 has no issue with this variance.
- d) Building Department’s Comments: No comment.
- e) Board’s Discussion: Discussions were held amongst the members about options, and requirements.

A motion made by John Kiepura and seconded by Jerry Wilkening to approve the variance to allow petitioner to build a 18' X 40' addition to the existing building, replace existing wood fence with iron in what is considered a “front yard” by definition, and to install an 8' X 4' sign on the southeast corner of the lot exceeding the maximum number of allowable signs, and to include the findings of fact.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Absent	Yes	Yes	Yes	Yes	4-0

4. Darlene & Ralph Evenhouse- Developmental Variance

Owner/Petitioner: Darlene & Ralph Evenhouse, 6811 W. 141st Ave., Cedar Lake, IN 46303
Vicinity: 6811 W. 141st Ave., Cedar Lake, IN 46303
Legal Description: W. 330 FT. OF E. 1489.25 FT. OF N. 660 FT. OF N2.N2.S.35 T.34 R.9 5 AC.
Tax Key Number(s): 45-15-35-202-002.000-043
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII-Accessory Regulations in Section (1) which states: “The must be a complete residential structure on any given parcel of land prior to construction of any accessory building...”

This Developmental Variance is to allow the Petitioner to have a garage approximately 23’ X 26’ in size on a lot without a primary structure. (Note: The Petitioner also has an application for the Plan Commission requesting to re-subdivide their 5 acre property into 3 lots. One lot will have garage only until a future home is built.)

- a) Attorney to Review Legal’s: Notices and publications are in order to have this meeting.
- b) Petitioner’s Comments: Jessica Yack, 6811 W. 141st Ave., Cedar Lake, IN 46303 is present to have a garage approximately 23’ X 26’ in size on a lot without a primary structure.
- c) Remonstrators: No Remonstrators.
- d) Building Department’s Comments: No comment.
- e) Board’s Discussion: No discussion.

A motion made by Jerry Wilkening and seconded by John Kiepura to approve variance to allow petitioner to have a garage approximately 23’ X 26’ in size on a lot without a primary structure, and to include the findings of fact.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Absent	Yes	Yes	Yes	Yes	4-0

5. Dennis Suttinger- Developmental Variance

Owner/Petitioner: Dennis Suttinger, 10212 W. 128th Ave., Cedar Lake, IN 46303
Vicinity: 10212 W. 128th Ave., Cedar Lake, IN 46303
Legal Description: Monastery Woods Phase 1 Lot 184
Tax Key Number(s): 45-15-21-253-014.000-014
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 on not less than twenty-five percent of the depth of the lot.”

This Developmental Variance is to allow the Petitioner to build a 12’ X 16’ deck with only twenty-three (23) feet in rear lot not meeting the 25% rear yard requirement.

- a) Attorney to Review Legal's: Notices and publications are in order to have this meeting.
- b) Petitioner's Comments: Dennis Suttinger, 10212 W. 128th Ave., Cedar Lake, IN 4603 is present to build a 12'X16' deck with only twenty-three feet in rear lot not meeting the 25% rear yard requirement.
- c) Remonstrators: No Remonstrators.
- d) Building Department's Comments: Tim Kubiak has no issues or comments. Stating this will come up a lot until the Zoning Ordinance is changed.
- e) Board's Discussion: No discussion.

A motion made by Jeff Bunge and seconded by Jerry Wilkening to approve variance to build a 12'X16' deck with only twenty-three feet in rear lot not meeting the 25% rear yard requirement, and to include the findings of fact.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Absent	Yes	Yes	Yes	Yes	4-0

6. Mark Hendriks- Developmental Variance

Owner/Petitioner: Mark S. Hendriks, 6900 W. 131st. Place, Cedar Lake, IN 46303
Vicinity: 6900 W. 131st. Place, Cedar Lake, IN 46303
Legal Description: SHADES ADD. CEDAR LAKE PLAT BA ALL .LOTS 28 THRU 31 BL.3
Tax Key Number(s): 45-15-23-452-025.000-043
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 12' X 8' deck with only nineteen (19) feet in rear lot not meeting the 25% rear yard requirement.

- a) Attorney to Review Legal's: Notices and publications are in order to have this meeting.
- b) Petitioner's Comments: Mark Hendriks, 6900 W. 131st Place, Cedar Lake, IN 46303 is present to build a 12'X8' deck with only nineteen feet in rear lot.
- c) Remonstrators: No Remonstrators
- d) Building Department's Comments: No comment.
- e) Board's Discussion: Discussions were held amongst the members about options, and requirements.

A motion made by Jeff Bunge and seconded by Jerry Wilkening to approve the variance to build a 12'X8' deck with only nineteen feet in rear lot not meeting the 25% rear yard requirement, and to include the findings of fact.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Absent	Yes	Yes	Yes	Yes	4-0

7. Lynn Clement- Developmental Variance

Owner: Lynn Clements, 13220 Fairbanks St., Cedar Lake, IN 46303
Petitioner: Eric Goetz, Master Builder Inc., 17609 State Line Rd., Lowell, IN 46356
Vicinity: 6350 W. 133rd. Ave, Cedar Lake, IN 46303
Legal Description: E.150FT OF S.175FT. OF W.25AC. OF S.30AC. OF SE1/4 SE1/4 S.23 T.34 R.9 .602AC.
Tax Key Number(s): 45-15-23-476-005.000-043
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII-Accessory Regulations which states in Section (1): “Accessory building shall only be allowed according to the following schedule: Lot size 15,001-1.00 acre, maximum accessory size is 1,000 square feet, height of 14 feet” **and** “Metal and post building types of construction shall not be permitted in this Residential Zoning District as a Primary or Accessory use” **and** “Exterior wall height shall not exceed ten (10) feet from finish floor surface.”

This Developmental Variance is to allow the Petitioner to build a 30’ X 40’ post frame building with 12’ side walls, an 18’ peak, and exceed maximum accessory structure square footage.

- a) Attorney to Review Legal’s: Notices and publications are in order to have this meeting.
- b) Petitioner’s Comments: Lynn Clements, 13220 Fairbanks St., Cedar Lake, IN 46303 is present to build a 30’X 40’ post frame building with 12’ side walls, and 18’ peak accessory building.
- c) Remonstrators: No Remonstrators.
- d) Building Department’s Comments: Tim Kubiak was worried about it getting use for commercial purposes.
- e) Board’s Discussion: Discussions were held amongst the members about options, and requirements.

A motion made by John Kiepura and seconded by Jerry Wilkening to approve the variance to build a 30’X 40’ post frame building with 12’ sidewalls, and 18’ peak, and exceed maximum accessory structure square footage, and to include the findings of fact.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Absent	Yes	Yes	Yes	Yes	4-0

Meeting adjourned at 8:23P.M.

Press Session: Board of Zoning Appeals Meeting- July 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.