



**TOWN OF CEDAR LAKE  
BOARD OF ZONING APPEALS  
PUBLIC MEETING**

August 13, 2015      7:00 P.M.

Call to Order (Time): 7:00P.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 July 9, 2015 Public Meeting Minutes. Roll Call Vote: 5-0

**Old Business:**

**1. Jeff Bianchi–Developmental Variance**

Owner/Petitioner: Jeff Bianchi, 8209 Lake Shore Dr, Cedar Lake, IN 46303

Vicinity: 8209 Lake Shore Dr, Cedar Lake, IN 46303

Legal Description: S. PT. E2. NE. S.22 T.34 R.9 '186X100X144.75X100FT.' CONT'G EX. N'LY. 30FT. .291 AC.

Tax Key Number(s): 45-15-22-286-003.000-014

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** “No fence shall exceed six feet (6’) in height.”

*This Developmental Variance is to allow the Petitioner to build a seven foot (7’) tall fence and steel gate six (6) feet off the road in what is considered a “front yard” by definition.*

- a) Attorney to Review Legal’s: Tim Kuiper said this was properly continued from last month’s meeting.
- b) Petitioner’s Comments: Jeff Bianchi, 8209 Lake Shore Dr., Cedar Lake, IN 46303 is present to have a front yard fence. Jeff Bianchi mentioned that there are security issues with people pulling into their drive way to look at their cars and home. Jeff Bianchi does not want his wife to feel unsafe. Jeff Bianchi had extra materials from a previous job and wanted to show the board what it would look like.
- c) Remonstrators:
- d) Building Department’s Comments: Tim Kubiak told Jeff Bianchi there was nothing against putting the poles in. Tim Kubiak said he did put the additional poles to show what it will look like.
- e) Board’s Discussion: Jeff Bunge asked if this is a Federal Access Highway. This is a Federal Access Highway.

f) Board's Decision:

Motion made by Jerry Wilkening to approve the variance as requested with a six foot (6') foot front yard fence, not to exceed six foot three inches (6'3") in height, fifty percent (50%) open and pending building dept approval. Motion is denied by the board due to lack of a second vote, a new motion is needed. A second motion was made by Jeff Bunge to deny the variance based on the findings and facts, public safety and negative impact on adjoining and adjacent property owners the motion was seconded by John Kiepura.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Yes	Yes	Yes	No	Yes	4-1

**New Business:**

**1. Robert Fleming- Developmental Variance**

Owner/Petitioner: Robert Fleming, 13839 Huseman Street, Cedar Lake, IN 46303  
Vicinity: 13839 Huseman Street, Cedar Lake, IN  
Legal Description: Lake Shore Add N.1/2Out Lot 33 All Out Lots 34, 35 & Pt .of Vac. Adj. RR  
Tax Key Number(s): 45-15-27-407-010.000-014  
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII: Residential (R-2)-Section 4 C. Side Yard. On each lot, except as otherwise specified, there shall be two (2) side yards, each having a width of not less than eight (8) feet....**and** Section E. Building Coverage: Not more than twenty-five per cent (25%) of the area of the lot may be covered by buildings and/or structures. **and** Section 3: Height Regulations: The maximum height of buildings and other structures erected or enlarged in this Zoning District shall be two (2) stories, not to exceed thirty (30) feet at its peak.

*This Developmental Variance is to allow the Petitioner to build a new home with a five (5) foot side yard setback, lot coverage of more that 25% and a height of thirty four (34) feet at the peak.*

- a) Attorney to Review Legal's: Notices and publications are in order to have this meeting.
- b) Petitioner's Comments: Robert Fleming, 13839 Huseman St., Cedar Lake, IN 46303 wants to build a new house. Robert Fleming wants to tear down the house and rebuild it. There were no official plans when they turned in the BZA application. Tonight Robert Fleming has official plans.
- c) Remonstrators: No remonstrators.
- d) Building Department's Comments: Tim Kubiak was showing pictures of the current house on property. The 50% lot coverage is from the easement and the other part of the property by the lake. People in the area have 8ft side yards. If we grant a 5ft side yard to make sure no air conditioner units or bump outs are located in the side yard.
- e) Board's Discussion: Jeremy Kuiper asked if this was an addition. A discussion was held amongst the members about options, and requirements.
- f) Board's Decision:

A motion made by Jerry Wilkening and Eric Olson to approve developmental variance as requested to build a new home with a five foot side yard setback continuous, lot coverage of more than 25% and a height of thirty two feet max at the peak, and to include the findings of facts.

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

## 2. Thomas & Cynthia Adam- Developmental Variance

Owner/Petitioner: Thomas & Cynthia Adams 8124 W 147<sup>th</sup> Ave., Cedar Lake IN 46303  
 Vicinity: 8124 W 147<sup>th</sup> Ave., Cedar Lake IN 46303  
 Legal Description: PT. SE. (L.2 BL.3) S.34 T.34 R.9 .17 A. (50 X 150 FT.)  
 Tax Key Number(s): 45-15-34-429-020.000-014  
 Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District, Section 4: Area, Width and Yard Regulations: B. There shall be a front yard between the building line and the highway and street right-of-way lines as follows: 4) On all other streets, a distance of thirty (30) feet..., and Title XXIII Accessory Regulations, Section 1: General Accessory Regulations: 4. No accessory buildings shall be allowed in the front yard of any residential lot.

*This Developmental Variance is to allow the Petitioner to build a 24' x 24' garage in a front yard with a front yard setback of twenty (20) feet.*

- Attorney to Review Legal's: Notices and publications are in order to have this meeting.
- Petitioner's Comments: Thomas Adams, 8124 W 147<sup>th</sup> Ave., Cedar Lake, IN 46303 is present.
- Remonstrators: Tim Kuiper read a letter Georgia and Richard Sharpe, 8120 has no issues with the variance.
- Building Department's Comments: Tim Kubiak has a survey that shows the garage.
- Board's Discussion: A discussion was held amongst the members about options, and requirements.
- Board's Decision:

A motion made by Jeff Bunge and seconded by Jerry Wilkening to approve developmental variance as requested to build a 24' x 24' garage in a front yard with a front yard setback of twenty feet, 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

Meeting adjourned at 8:20P.M.

**Press Session:** Board of Zoning Appeals Meeting- September 10, 2015 at 7:00pm

*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.*