



**TOWN OF CEDAR LAKE  
BOARD OF ZONING APPEALS  
PUBLIC MEETING MINUTES  
September 10, 2015 7:00 P.M.**

Call to Order (Time): 7:00 p.m.

Pledge to Flag:

Roll Call:

Absent Eric Olson

Present John Kiepura

Present Jerry Wilkening

Absent 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 August 13, 2015 Public Meeting Minutes  
Roll Call Vote: 3-0

**New Business:**

**1. Michael Guined - Developmental Variance**

Owner/Petitioner: Michael Guined, 14753 Ivy St, Cedar Lake, IN 46303

Vicinity: 14753 Ivy St, Cedar Lake, IN 46303

Legal Description: LYNNSSWAY UNIT 2 LOT 34

Tax Key Number(s): 45-15-33-481-007.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI Fence Regulations, Section 1: Fences located in residential zoning districts: A. 1) No fence shall be located in the front yard.

*This Developmental Variance is to allow the Petitioner to build a six (6) foot fence in what is considered a front yard with a thirty (30) foot setback.*

- a) Attorney to Review Legal's: Notices and publications are in order to have this meeting.
- b) Petitioner's Comments: Michael Guined, 14753 Ivy St., Cedar Lake, IN 46303 is present to put up a six (6) foot fence around the perimeter of the front yard.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak state this is the same thing we have along Ivy St & Parrish, already six or eight fences that have been put up far enough off the road. A lot of these with streets on both sides.
- e) Board's Discussion: None

Motion made by John Kiepura and seconded by Jerry Wilkening to approve the developmental variance as requested to include the finding of fact.

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

**2. Holy Name Church - Developmental Variance**

Owner/Petitioner: Holy Name Church, 11000 W. 133<sup>rd</sup> Ave., Cedar Lake, IN 46303

Vicinity: 11000 W. 133<sup>rd</sup> Ave., Cedar Lake, IN 46303

Legal Description: PT. SW. S.21 T.34 R.9 11.255AC.

Tax Key Number(s): 45-15-21-352-004.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXII Sign Regulations: Section 1: 9) Signs which display any flashing or intermittent lights, or lights changing intensity or color, except signs indicating time or weather conditions. Section 3: c.i. In the case of one (1) such on-premise signs, sixty (60) square feet in size.

*This Developmental Variance is to allow the Petitioner to replace an existing sign with an electronic message board, approximately eighty (80) square feet in size.*

- a) Attorney to Review Legal's: Notices and publications are in order to have this meeting.

- b) Petitioner’s Comments: Wayne Stoll, Volunteer for church, 11000 W. 133<sup>rd</sup> Ave., Cedar Lake, IN 46303 is present. Replacing an existing 4 x 8 sign with an electronic message board that is eighty (80) square feet.
- c) Remonstrators: Tim Kuiper read a letter from John & Jeannine Austgen, 13136 Schneider Street, Cedar Lake, IN 46303, they object to the developmental variance due to size of sign.
- d) Building Department’s Comments: Tim Kubiak stated the foundation is in and it is set back off the road where it needs to be.
- e) Board’s Discussion: They discussed objection. Would like sign shut off at night or dimmed from dusk to dawn. Sign size is good. Tim Kubiak said no site line issues for vehicles.

A motion was made by Jerry Wilkening and seconded by John Kiepura to approve developmental variance as requested with conditions, no flashing, no scrolling, retains message minimum of six (6) seconds, with dimmer for night usage, and to include finding of fact.

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

3. John Paul & Kamille Furman - Developmental Variance

Owner/Petitioner: John Paul & Kamille Furman, 10017 W. 128<sup>th</sup> Lane, Cedar Lake, IN 46303  
Vicinity: 10017 W. 128<sup>th</sup> Lane, Cedar Lake, IN 46303  
Legal Description: MONASTERY WOODS PHASE 1 LOT 5  
Tax Key Number(s): 45-15-21-258-003.000-014  
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI Fence Regulations: Section 1: Fences located in Residential Zoning Districts: A. 1) No fence shall be located in the front yard, **and** Title XXIV Swimming Pool, Section 3: Location: No portion of the outdoor swimming pool shall be located at a distance of less than ten (10) feet from any side yard or rear property line, or building line, or at any other location where a “structure” is prohibited, **and** Title XXIII Accessory Regulations, Section 1: 4) No accessory building shall be allowed in the front yard of any residential lot.

*This Developmental Variance is to allow the Petitioner to add a six (6) foot privacy fence in what is considered a front yard; add a pool and deck with a five (5) foot side yard setback in what is considered a front yard, and add a shed in what is considered the front yard on a through lot.*

- a) Attorney to Review Legal’s: Notices and publications are in order to have this meeting.
- b) Petitioner’s Comments: John Paul & Kamille Furman, 10017 W. 128<sup>th</sup> Lane, Cedar Lake, IN 46303 is present. They would like a Six (6) foot fence because 129<sup>th</sup> is busier than thought and have two small children. Would like a pool and deck, possibly a shed.
- c) Remonstrators: Cristy Trzeciak, 10011 W. 128<sup>th</sup> Lane, Cedar Lake, IN 46303. Wants to make sure rear of deck and shed is ten (10) feet away from property line for privacy. Does not want pool water drained toward her property.
- d) Building Department’s Comments: Tim Kubiak stated that we permitted a similar fence through a builder. Drainage swale and landscaping along sidewalk needs to be maintained. Pool and deck needs to be ten (10) feet away from property line.
- e) Board’s Discussion: Pool needs to be ten (10) foot side yard, variance to put shed and pool in front yard, need to follow other rules, comply to all setbacks.

Motion made by John Kiepura and seconded by Jerry Wilkening to grant developmental variance as requested to maintain twenty (20) foot setback from road and to maintain lot line and side yard setback consistent with ordinances to include finding of fact.

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

4. Adam and Christine Neander - Developmental Variance

Owner/Petitioner: Adam and Christine Neander, 13631 Doffin St., Cedar Lake, IN 46303  
Vicinity: 13631 Doffin St., Cedar Lake, IN 46303  
Legal Description: WINDING CREEK ESTATES UNIT 1 PHASE 3 LOT 30  
Tax Key Number(s): 45-15-27-151-018.000-014  
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI Fence Regulations: Section 1: Fences located in Residential Zoning Districts: A. 8) Fences shall not be constructed of chain link, wire, or equivalent type of material adjacent to any street.

*This Developmental Variance is to allow the Petitioner to build a six (6) foot*

*chain link fence adjacent to a road.*

- a) Attorney to Review Legal's: Notices and publications are in order to have this meeting.
- b) Petitioner's Comments: Adam & Christine Neander, 13631 Doffin St., Cedar Lake, IN 46303 is present. Chain link fence in backyard because it runs next to railroad track and adjacent to road. Vinyl coated fabric, powder coated poles.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak has no problem with putting fencing in rear of yard; they are here because of chain link fence in ordinance. Fence cannot face street.
- e) Board's Discussion: Would they consider a different material for the side yard, no chain link allowed adjacent to the road. Chain link needs to start at the back of the house. Will be seen from two roads, should not be seen from two roads. Do not want to be able to see it when standing in front of their house. There was concern with correct definition of adjacent, does attorney need to look into it? Should it be deferred to get more Board members opinions. Can disapprove variance as requested, which means they can still put in a rear yard fence and put side in per ordinance. Chain link is chain link, if we do this for one will have to do all.

Motion made by Jerry Wilkening and seconded by John Kiepura to deny developmental variance as requested. Board requested to withdrawal this motion and requests a new motion for deferral by Petitioner.

2<sup>nd</sup> Motion made by John Kiepura and Jerry Wilkening to defer this item to the October 8, 2015 meeting.

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

#### 5. Hanover Community School Corp (Jane Ball) - Developmental Variance

Owner/Petitioner: Hanover Community School Corp., 9520 W. 133<sup>rd</sup> Ave., Cedar Lake, IN 46303  
 Vicinity: 13313 Parrish Ave., Cedar Lake, IN 46303  
 Legal Description: PT. NW. NW. 135X201.76X156.08X  
 245X224.7X100X237X650X820X860FT. S.27 T.34 R.9 Ex. W.35ft in  
 R/W 14.717AC.  
 Tax Key Number(s): 45-15-27-101-006.000-014  
 Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI Fence Regulations: Section 1: Fences located in Residential Zoning Districts: A. 1) No fence shall be located in the front yard, 8) Fences shall not be constructed of chain link, wire, or equivalent type of material adjacent to any street.

*This Developmental Variance is to allow the Petitioner to build a six (6) foot chain link fence with privacy slats around a playground in what is considered a front yard, also to build a six (6) foot chain link fence with privacy slats around dumpsters.*

- a) Attorney to Review Legal's: Notices and Publications are in order to have this meeting.
- b) Petitioner's Comments: Bill Hutton, 6832 Calumet Avenue, Hammond, IN 46324. Architect on behave of Hanover School Corp. Here to take playground at Jane Ball Elementary from back and move it to the south side of school. To make it more visible to the street so let police can watch for vandals. Asking for a woven cyclone fence, chain link, looking to have a vinyl coating, powder coated posts, six (6) feet tall. Build dumpster with six (6) foot chain link fence.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated that the tennis courts at high school have similar fence, this is a school not a neighborhood. Ordinance does not apply to this particular project. For safety of kids. It is far enough off the road not to cause an issue. The dumpster is another issue, not a problem with chain link around the dumpsters, but with the dumpsters being in the front yard of the school. This is a main road through town where everyone will have to drive by and look at it every day. Convenient for cafeteria to bring out garbage. It will look nice at first, but deteriorate over time and look like all the other dumpsters. Plan Commission approved the playground and site plan. The dumpster was left in hands of BZA because of location. Dumpsters were concern for a couple Plan Commission members.
- e) Board's Discussion: Nobody has problem with playground fence, this is different than a residential area. Dumpster location is a bad spot for many reasons. Call garbage company and see if can get a pick up time when students not on property. Was also over water line, but has been moved. Any other location that would be a good option. Possible location on north end of property. Downside of that is for parent pickup on east side of school gets backed up. Take some money and rework where it is now and flip gate around to the street and the truck has a straight back in from the street. The thought was they have two paper recycling dumpsters there on the property and

the restaurants garbage dumpsters are in that corner and also it is a distance from the cafeteria. To keep it where it is the main crosswalk for the playground and you don't want to drive a garbage truck through there. Old playground will be taken down, and replaced with landscaping. Do they need to come back for approval if they pick a different spot for dumpster. Northeast side is where other dumpsters are.

A motion made by Jerry Wilkening and seconded by John Kiepura to approve developmental variance as requested for the six (6) foot chain link fence around the playground area and to approve a fence at a location to be determined and approved by the Building Department for the dumpsters, and to include the findings of fact.

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

6.Dale Gurgel–Developmental Variance

Owner/Petitioner: Dale Gurgel, 13138 Schubert St., (Clement St.) Cedar Lake, IN 46303  
Vicinity: 13138 Schubert St., (Clement St.) Cedar Lake, IN 46303  
Legal Description: MEYER MANOR TERRACE ALL LOTS 16,17,18,19 BL.10  
Tax Key Number(s): 45-15-22-330-008.000-014  
Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI Fence Regulations, Section 1: Fences located in Residential Zoning Districts: A. 1) No fence shall be located in the front yard, 8) Fences shall not be constructed of chain link, wire, or equivalent type of material adjacent to any street.

*This Developmental Variance is to allow the Petitioner to replace an existing four (4) foot chain link fence with a six (6) foot chain link fence in the front yard.*

- a) Attorney to Review Legal's: Notices and publications are in order to have this meeting.
- b) Petitioner's Comments: Dale Gurgel, 13138 Schubert St., (Clement St.) Cedar Lake, IN 46303. Would like to change preexisting four (4) foot fence to be consistent with preexisting six (6) foot fence that is to the east. Right along Schubert St. this is considered a front yard. Would like to be consistent with neighbor.
- c) Remonstrators: None
- d) Building Department's Comments: Tim stated that he technically he has two front yards. So he is asking for a six (6) foot fence and also it is a fence in the front yard. And on this side of the street he shouldn't be able to have this four (4) foot part, once he got to the thirty (30) foot building line he would be able to start his six (6) foot chain link fence as long as it is thirty (30) feet back. So he is asking for this thirty (30) foot of four (4) foot fence in the front yard. And then also the rest he would be able to put a six (6) foot fence as long as he was back thirty (30) foot because he is adjacent to the street. Where this is no fence allowed he is asking for this section of four (4) foot fence. This fence has been here for a long time. Would like to see it moved off the road a little bit.
- e) Board's Discussion: So what we are concerned about is basically the six (6) foot is four (4) foot now and is technically in the front yard. Looking to upgrade. The frontage off of Schubert and bringing it back off the road a little, move it north. The fence has been there for the last fifty years. Staying with the ordinance he would have to run it east and then back north. Should be a non chain link, would he consider a coated chain link. How can they leave the thirty-four (34) feet that faces Schubert chain link cause it is front of house. Put a non chain link fence farther off the road would be better. Original request was to replace existing fence and bring up to driveway. If they pushed him back to the front of the house and allowed him to match up to the other fence in side yard parallel with the front of house, this chain link currently exists and there is other chain link in the area that are here. As far as this goes if he moves it back six (6) feet in line with the house you are good. He wouldn't need a variance. Look at location and what else currently exists, this is different than a new neighborhood.

Motion made by Jerry Wilkening and seconded by John Kiepura to approve developmental variance based on holding front plane of the house and a vinyl coated chain link fence, and to include findings of fact.

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

7.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 six foot (6') tall fence and steel gate, with six foot (6') front yard setback.*

- a) Attorney to Review Legal's: Notices and publications are in order to have this meeting.
- b) Petitioner's Comments: Jeff Bianchi, 8209 Lake Shore Dr., Cedar Lake, IN 46303, readjust the height to a six (6) foot fence. Stick with fifty (50) percent capacity.
- c) Remonstrators: Don West, 8145 Lake Shore Drive, Cedar Lake, IN 46303. Subsequent to last time I was here in July, Jeff is willing to work with me on site line, so I am comfortable he should have whatever he needs as far as fence is concerned. We can work through things as neighbors.
- d) Building Department's Comments: Tim Kubiak stated that this is in the front yard, consistent with other structures on Lake Shore Dr., it is inside of telephone poles. It is close to the road. There was a fence approved with exact same location that is a complete wooden privacy fence. As far as the vision of the neighbor I think it is far enough back, don't have a problem with aesthetics of the fence. It should be viewed differently than a new neighborhood. All around the lake there are several structures close to the road.
- e) Board's Discussion: Upright slats measure 1 ½ square inches. Thought were going to widen spaces to give better visibility. Could do a 3 inch space. Concern with height and being close to the road. There is concern for access for public safety. There is enough space to park something in front of fence and property line. If allowed are we willing to see this all the way down Lake Shore Dr., more people will put this type of material up. It is not like a wall. Does not separate anyone from the lake. He gets his security, but can still see. Absent board members had concerns and should they get a second look.

Motion made by Jerry Wilkening and seconded John Kiepura to approve developmental variance as requested to approve six (6) foot fence with three (3) inch spacing, 1 ½ spindles and dark color and to include finding of fact.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Absent	Yes	Absent	Yes	No	2-1

Motion failed to pass.

2<sup>nd</sup> Motion made by Jerry Wilkening and seconded by John Kiepura to withdraw previous motion and ask for a deferral to October 8, 2015 meeting.

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

**Adjournment:** Time: 9:49 p.m.

**Press Session:** None

Board of Zoning Appeals Meeting – October 8, 2015 at 7:00pm

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Eric Olson

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Jeff Bunge, Vice Chairman

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Jerry Wilkening

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Jeremy Kuiper, Chairman

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John Kiepura

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Attest: Tammy Bilgri, Recording Secretary