



**TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS
PUBLIC MEETING
October 8, 2015 7:00 P.M.**

Call to Order (Time): 7:10 P.M.

Pledge to Flag:

Roll Call:

Present 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 Tammy Bilgri, Recording Secretary

Minutes:

Approval of September 10, 2015 Public Meeting Minutes was deferred due to revisions.

Roll Call Vote: 5-0

Old Business:

1. 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.

Deferred from September 10, 2015 meeting

- a) Attorney to Review Legals: This was properly advertised at the last public meeting and properly continued at that meeting until tonight's meeting.
- b) Petitioner's Comments: Adam and Christine Neander, 13631 Doffin St., Cedar Lake, IN 46303. Putting up fence around yard because of train in back. Looking to complete front side that faces road. Chose to go with coated chain link, maintenance free and costs less. Already had materials and realized he misunderstood the ordinance and the word adjacent.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated at the last meeting there was discussion on the proper interpretation of adjacent.
- e) Board's Discussion: Jeremy Kuiper stated the Ordinance reads chain link is not permissible adjacent to any street. Chain link in back yard is fine, but if visible to the road should be an approved type fence. John Kiepura asked if they looked into other material for the front. Other fences of this type in the subdivision were in before revision of Ordinance. They did order materials before applying for permit. Interpretation of the ordinance is for aesthetic purposes.

A motion was made by Jerry Wilkening and seconded by Eric Olson to deny the developmental variance for this request and to include the finding of fact.

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

2. 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.

Deferred from September 10, 2015 meeting

- a) Attorney to Review Legals: This was properly advertised for the September 10, 2015 meeting and was properly continued to this meeting.
- b) Petitioner’s Comments: Jeff Bianchi, 8209 Lake Shore Dr., Cedar Lake, IN 46303. Lowered fence to six (6) foot opened spacing to four (4) inches. Liza Bianchi, wants fence for security purposes. People stop by the house to look at cars and take pictures, they come to the door and walk around property. Jessica Schneider 9325 W. 94th Pl., St. John, IN, spends a lot of time there. She stated a lot of strangers stop by, it is very scary.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated he did not have any current pictures, of the changes they made to the property.
- e) Board’s Discussion: There was a request for it to be cut down to six (6) foot and the slats with four (4) inch spacing. He did meet our requests, and showed us that he is willing to work with us. John Kiepura stated concern with distance from the road. No issue with values of property, just with safety and accessibility for emergency access.

A motion was made by Jerry Wilkening and seconded by Eric Olson to approve the developmental variance as presented with six (6) foot maximum height limitation with four (4) inch spacing and to include finding of fact.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Yes	Yes	No	Yes	No	3-2

New Business:

1. James & Tina Russell-Developmental Variance

Owner/Petitioner: James & Tina Russell, 6525 W. 141st Avenue, Cedar Lake, IN 46303
Vicinity: 6525 W. 141st Avenue, Cedar Lake, IN 46303
Legal Description: W. 131FT. OF E. 738.25FT. OF N.185FT. OF NE. NE. S.35 T.34 R.9 0.557 Ac
Tax Key Number(s): 45-15-35-226-006.000-043
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: 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 the aggregate width of both side yard on any lot shall not be less than twenty percent (20%) of the width of the lot, **and** Title XXIII-Accessory Regulations, Section 1: General Accessory Regulations: 5) There shall be a minimum six (6) foot setback from any and all side and rear property lines and a minimum ten (10) foot separation or distance from all other buildings.

This Developmental Variance is to allow the Petitioner to build an addition with a side yard setback of .05 feet on the right side and a left side yard setback of 3.5 feet from the garage.

- a) Attorney to Review Legals: The notices and publications are in order for this meeting.
- b) Petitioner’s Comments: James & Tina Russell, 6525 W. 141st Ave., Cedar Lake, IN 46303. Would like to build an addition on the back, bedroom with closet. The way the house sits on the property is crooked and not centered on property. Would like to keep in line with existing house.
- c) Remonstrators: Richard & Mary Frahm, 6601 W. 141st Ave., Cedar Lake, IN 46303. Richard Frahm stated he has no concerns with this request.
- d) Building Department’s Comments: Tim Kubiak stated if the neighbor doesn’t have a problem with current house on property line, what is an additional sixteen (16) feet. It will not make anything worse. Would need to install a firewall in the garage. Cannot

put an overhang that will hang over property line. Also keep foundation level, would need some type of a retaining wall.

- e) Board's Discussion: Jeremy Kuiper stated he is most concerned with public safety access. John Kiepura stated concern with future owners having an issue with property line. Tim Kuiper stated the drafting of a drainage easement should be considered.

A motion was made by Jerry Wilkening and seconded by Eric Olson to approve the developmental variance as requested to include the Building Commissioners comments maintain the fire rating with the garage and no overhang over property line and to include finding of fact.

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

2. Robert Fleming-Developmental Variance

Owner: Robert Fleming, 13839 Huseman Street, Cedar Lake, IN 46303
 Petitioner: McClymont Construction, 1313 White Hawk Drive, Crown Point, IN 46307
 Vicinity: 13839 Huseman Street, Cedar Lake, IN 46303
 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 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 construct a five (5) foot Rod Iron fence and add a security gate across new driveway on the property line.

- a) Attorney to Review Legals: The notices and publications are in order for the public meeting.
- b) Petitioner's Comments: Robert Fleming, 13839 Huseman St., Cedar Lake, IN 46303. Scott Crook, Builder. Want to replace an existing four (4) foot fence on the property with a five (5) foot fence. Would like to utilize as much property as they can for fence. It will be an aluminum fence that looks like rod iron.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated the only issue he has with the fence and putting it closer to the roadway then it is, is the neighbor's house and if it would obstruct their view. Cannot be in the road right of way.
- e) Board's Discussion: Jeremy Kuiper stated a concern with replacement of current fence with a new fence and a gate because it is located in the roadway. Will need to move it back to property line and not in roadway.

A motion was made by Jerry Wilkening and seconded by Eric Olson to approve the developmental variance as requested to maintain the five (5) foot height restriction four (4) inch spacing with the aluminum rod iron look in the front yard on the property line and to include finding of fact.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
Yes	Yes	No	Yes	No	3-2

Adjournment: Time: 8:35 P.M.

Press Session: Board of Zoning Appeals Meeting – November 12, 2015 at 7:00pm

Eric Olson

Jeff Bunge, Vice Chairman

Jerry Wilkening

Jeremy Kuiper, Chairman

John Kiepura

Attest: Tammy Bilgri, Recording Secretary