



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

Call to Order (Time): 7:04p.m.

Pledge to Flag:

Roll Call:

Present Eric Olson (arrived after roll call)

Present John Kiepura

Present Jerry Wilkening

Present Jeff Bunge

Present Jeremy Kuiper

Present Adam Sworden, Town Attorney

Present Tim Kubiak, Building Commissioner

Present Tammy Bilgri, Recording Secretary

Minutes:

A Motion was made by John Kiepura and seconded by Jerry Wilkening to approve the September 10, 2015 Public Meeting & October 8, 2015 Public Meeting Minutes
Roll Call Vote: 4-0

New Business:

1. Paul Czak - Developmental Variance

Owner: Paul Czak, 19149 Grant Street, Lansing IL 60438

Petitioner: Paul Czak, 19149 Grant Street, Lansing IL 60438

Vicinity: 13500 Muir Street, Cedar Lake, IN 46303

Legal Description: Muir Woods Lot 12

Tax Key Number(s): 45-15-29-279-001.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII – Residential (R-1) Zoning District; Section 5: B. Attached garages maximum size shall be nine hundred sixty (960) square feet.

This Developmental Variance is to allow the Petitioner to build an attached garage with a square footage of 1200 square feet with new home.

- a) Attorney to Review Legal's: Adam Sworden stated that the petitioner does have an out of state address, is this going to be a primary residence? All legal's are in place, did not find any proposed findings in my packet. There are 5 green card returns provided by the petitioner.
- b) Petitioner's Comments: Paul Czak, 19149 Grant Street, Lansing, IL 60438 is present and asking for a variance to build a garage larger than code. This is the largest lot in the subdivision; the garage is in proportion to the house. Will be a permanent residence.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated this is a large house on a large lot, it is not oversized for the size of house and lot, but does exceed the ordinance size.
- e) Board's Discussion: No Discussion

A Motion was made by Jeff Bunge and seconded by Jerry Wilkening to approve the Development Variance as requested to include the finding of fact.

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

2. Jamie Hochbaum - Developmental Variance

Owner/Petitioner: Jamie Hochbaum, 3676 E. 157th Avenue

Vicinity: 13505 Cedar Street, Cedar Lake, IN 46303

Legal Description: CEDAR POINT PARK W. 36 FT. L.56 W. 36 FT. OF S. 2.58 FT. L.57

Tax Key Number(s): 45-15-26-152-014.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII – Residential (R-2) Zoning District in Section (3) Height Regulations: The maximum height of buildings and other structures erected or enlarged shall be two (2) stories, thirty (30) feet at its peak.; **and** Section (4) Area, Width and Yard Regulations: A. Minimum lot area and width: A lot area of not less than ten thousand (10,000-100' x 100') square feet, and a lot width of not less than ninety feet (90'); **and** Section 23-8, B. Front Yard: 4) On all other

streets, a distance of thirty (30) feet; **and** C. Side Yard: there shall be two (2) side yards, each having a width of not less than eight (8) feet; **and** D. Rear Yard: there shall be a rear yard on not less than twenty-five per cent (25%) of the depth of the lot; **and** E. Building Coverage: Not more than twenty-five percent (25%) of the area of the lot may be covered by buildings and/or structures; **and** Section 5: Building Size: A. No building shall be erected for residential purposes having minimum ground floor area of less than eight hundred (800) square feet for a two-story house.

This Developmental Variance is to allow the Petitioner to rebuild a house with thirty (35) foot height, lot area 1,332 sq. ft., front yard three (3) feet, side yards of four (4) feet, three (3) feet, rear yard ten (10) feet, building coverage approximately 55%, building size 732 sq. ft., with garage being entire ground floor.

- a) Attorney to Review Legal's: There are 2 certified return notices, but there is a total of 4 adjacent properties under separate ownership, publication is in order. Concern for the timber wall, listed on the property. Also, curious about demolition plan.
- b) Petitioner's Comments: Jaime Hochbaum, 3676 E. 157th Avenue, Hebron, IN, to rebuild the house and put a two (2) car garage under it instead of one (1) car, stairs in same spot and same height. Working on engineering for back wall to make sure it is strong enough. Planning demolition from within confines of the structure.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated the current structure is failing and should not be rebuilt. The only way to rebuild is to do what he is proposing. The actual structure of the house is starting to give way. It is only a 35'x35' lot, so there is not a lot of room. He is making the actual setbacks better then they currently are. The concern is there is no room for parking and zero property. Everything is very shallow in that area, not a lot of room in Cedar Point Park, it is pretty much standard. I'm confident with their plan to demolish the property safely.
- e) Board's Discussion: Jeremy Kuiper stated it will not be any more un-compliant then it already is, but will consider it favorably if going to improve properly. John Kiepura was concerned with the parking of guests and was concerned with the thirty-five (35) foot height, thinks height should be what ordinance states.

A motion was made by Jerry Wilkening and seconded by Eric Olson to approve the Developmental Variance to finding of fact with attorney suggestion of final review and approval of building department.

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

3. Andrew Tylka – Variance of Use

Owner: Schutz Living Trust, 11009 W. 133rd Avenue, Cedar Lake, IN 46303
Petitioner: Andrew Tylka, 1225 Birch Drive, Schererville, IN 46303
Vicinity: 11009 & 11109 W. 133rd Avenue, Cedar Lake, IN 46303
Legal Description: Schutz Add Lots 1 & 2 & W.6ft of Vac. Schneider St Ex. Pt. of N. 35ft. in R/W & Pt. NW.1/4 NW.1/4 S.28 T.34 R.9 Ex. N.35ft in R/W 1.06 Tot. Ac; Pt. NW.1/4 NW.1/4 S.28 T.34 R.9 1.236Ac
Tax Key Number(s): 45-15-28-101-015.000-014
45-15-28-101-004.000-014

A Variance of Use from TITLE XIII – Community Business (B-2) Zoning District.

This Variance of Use is to allow automobile painting and to allow automobile repair and service, and to allow rental of cars in a Community Business (B-2) Zoning District and to allow two businesses on a lot in a Community Business B-2 Zoning District.

- a) Attorney to Review Legal's: Andrew Sworden stated we have the publisher's claim for the notice of tonight's public hearing, all ten (10) returned green cards for publication notice as to the application for variance of use. Because of the Variance of Use and the request being made there can be a written commitment if specific concerns with this property, considering they are asking for two different types of businesses.
- b) Petitioner's Comments: Andy Tylka, 2735 Squire Ct, representing Tom & Ed's Auto body, currently have three (3) facilities in Northwest Indiana and would like to expand to a fourth location. A collision repair facility in what was the former Bobb Auto Group building. Reason for the rental car, is the same as our other three (3) facilities, have an agreement with Enterprise for onsite rental for customers when they come in. Range 70-75 cars per month at other facilities, cars stay an average of five (5) days each. Will be having roughly 10 bays, and try to keep all cars inside. Proposed hours are Monday-Friday 8:00 a.m. - 5:00 p.m. and Saturday 9:00 a.m.-12:00 p.m. Will not be using parking lot south of CVS, possible future second entrance. Will be taking down some non-load bearing walls inside facility and modify the office and cut a hole

in the floor for the paint booth, will update outside of building to look similar to other locations. With explosion proof storage room for painting supplies. Plan to keep existing signs. Only does collision repair no long term restorations.

- c) Remonstrators: John Schutz, 13522 Schneider Ct., his trust is the owner of this property. Property is being sold as one piece. Has toured other facilities and found them to be very neat and clean.
Marsha Ferraro, 361 W. Anderson, Crown Point, IN; concern with traffic and delivery trucks on Schneider Street and visibility to pull out on 133rd if cars parked in front of building.
Darlene Schultz Sund, 10209 W. 133rd Avenue, Cedar Lake, IN 46303 concern for plowing lot and hope not into her driveway and visibility pulling out on 133rd, if cars parked in front of building.
- d) Building Department's Comments: Tim Kubiak stated he had concerns about privacy of residents and would like to see a privacy fence so wrecked cars are not visible. Concern about their parking plan and a parking entry. Would like a site plan. Need to know amount of cars to be stored outside and number of rental cars.
- e) Board's Discussion: Jerry Wilkening was concerned with the need for more fencing, to avoid possible eye sore situations. Jeremy Kuiper expressed concern for storage of materials. Jerry Wilkening also would like more details on the plans and how it will be laid out.

A motion was made by Jerry Wilkening and seconded by Eric Olson to continue this to the next meeting.
Roll Call Vote: 5-0

4. Ralph Frampton – Variance of Use

Owner: Cedar Lake Commercial LLC, PO Box 657, St. John, IN 46373
Petitioner: Ralph Frampton, 12615 Wicker Avenue, Cedar Lake, IN 46303
Vicinity: 12615 Wicker Avenue, Cedar Lake, IN 46303
Legal Description: PT.NW.1/4NW.1/4S.21T.34R.9(230.96x325x68.83x75x169.13x400ft.)2.07
ac
Tax Key Number(s): 45-15-21-101-014.000-014

A Variance of Use from TITLE XIII – Community Business (B-2) Zoning District.

This Variance of Use is to allow the Petitioner to add thirty (30) additional cars for sale in the front, ten (10) additional waiting for repair (visible) and a maximum of thirty (30) cars behind the fence (not visible)

- a) Attorney to Review Legal's: Andrew Sworden stated that we have confirmation of notice for tonight's public hearing and seven (7) return greens for notice of adjacent property owners.
- b) Petitioner's Comments: Not Present
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated he advised the petitioner to proceed in this manner if he wanted to continue. He had a violation of painting a car, he was not supposed to do this without a State approved paint booth. He received a fine and violation for violating his special use variance. He was under on the number of cars for sale, but over on his cars to be repaired, everything was lined up behind the fence. If he is caught painting in there again without the proper paint booth, more fines will apply. He seemed like he was making an effort to comply.
- e) Board's Discussion: None

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to continue this to the January meeting.
Roll Call Vote: 5-0

Adjournment: Time: 8:14 p.m.

Press Session: Board of Zoning Appeals Meeting – January 14, 2016 at 7:00pm

Eric Olson

Jeff Bunge, Vice Chairman

Jerry Wilkening

Jeremy Kuiper, Chairman

John Kiepora

Attest: Tammy Bilgri, Recording Secretary