



**TOWN OF CEDAR LAKE  
BOARD OF ZONING APPEALS  
PUBLIC MEETING MINUTES  
JANUARY 14, 2016 7:00 P.M.**

Call to Order (Time): 7:05 p.m.

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, Director of Operations

Present Tammy Bilgri, Recording Secretary

**AMENDED AGENDA**

**Election of Officers:**

A motion was made by John Kiepura and seconded by Jerry Wilkening to keep Jeremy Kuiper as Chairman. Vote 4-0

A motion was made by Jerry Wilkening and seconded by John Kiepura to keep Jeff Bunge as Vice Chairman. Vote 4-0

**Retention of Services:**

A motion was made by John Kiepura and seconded by Jerry Wilkening to retain Tim Kuiper as legal services. Vote 4-0

**Minutes:**

A motion was made by Jeff Bunge and seconded by John Kiepura to approve the December 10, 2015 Public Meeting Minutes as presented. Vote: 4-0

**Old Business**

**1. Andrew Tylka – Variance of Use**

Owner: Schutz Living Trust, 11009 W. 133<sup>rd</sup> Avenue, Cedar Lake, IN 46303  
Petitioner: Andrew Tylka, 1225 Birch Drive, Schererville, IN 46375  
Vicinity: 11009 & 11109 W. 133<sup>rd</sup> 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 Legals: Tim Kuiper stated this was properly advertised and continued at your last public meeting to tonight's meeting.
- b) Petitioner's Comments: Andrew Tylka stated he mapped out the parking lot with maximum numbers of vehicles that will be in those areas. On the south side would be the towing in and out and paint and process with the privacy fence behind it. The body and process behind CVS is when the car has to sit waiting to get detailed. No privacy fence is there because the vehicle is complete and waiting to be washed. The map of the facility shows a drive in estimating bay, with paint shop on the south side. Will just be replacing old signs.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated his only concern would be to have the privacy fence extend back to the south also between the residential and the parking area and the CVS. Our ordinance does call for screening between residential and commercial.
- e) Board's Discussion: Jerry Wilkening had concerns about the privacy fence, will they put in new fence or keep current. Andrew Tylka stated a new fence would be installed with no barbed wire. Jeremy Kuiper stated that if approved he would be held to these numbers and at the time he would see a need to increase, he should come back to the Board.

A motion made by Jerry Wilkening and seconded by Jeff Bunge to send a favorable recommendation to the Town Council with the site plan as presented with changes of privacy fencing as discussed and removal of barbed wire and to include finding of fact.

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

2. 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 Legals: This was in order at the last meeting and properly continued to tonight’s meeting.
- b) Petitioner’s Comments: Ralph Frampton, 12625 Wicker Ave., Cedar Lake, IN. Business has increased and he is getting more cars. Wants to make everything legal.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated Ralph is here because his business is doing well and he is currently exceeding the number of cars waiting for repair that he was originally approved for. He does have a large area available to park cars. He is also working on installing the paint booth that he was originally approved for.
- e) Board’s Discussion: Jeremy Kuiper asked if he is asking for forty-five 45 total cars for sale, fifteen (15) total for repair outside of fence, and thirty (30) behind the fence and ten (10) U-Haul. Jeremy Kuiper stated let the record show that from April 16, 2013, this Board sent a favorable recommendation and it was approved by the Town Council for the Use Variance maximum of fifteen (15) vehicles for sale, ten (10) U-Hauls and five (5) stored outside waiting for repair. Jerry Wilkening expressed concern with the cars behind the fence, not wanting him to keep a junk. He also stated that any approval we give cannot supercede whatever lease agreement he currently has.

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to send a favorable recommendation to the Town Council for a total of forty-five (45) cars for sale, fifteen (15) total waiting repair, thirty (30) total behind the fence and to include the ten (10) U-Hauls from prior BZA decision in 2013 items 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. Juan Garza - Developmental Variance

Owner: Juan Garza, 10125 W. 128<sup>th</sup> Lane, Cedar Lake, IN 46303  
Petitioner: Juan Garza, 10125 W. 128<sup>th</sup> Lane, Cedar Lake, IN 46303  
Vicinity: 10125 W. 128<sup>th</sup> Lane, Cedar Lake, IN 46303  
Legal Description: Monastery Woods Phase 1 Lot 10  
Tax Key Number(s): 45-15-21-251-020.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII Accessory Regulations, Section 1: No accessory buildings shall be allowed in the front yard of any residential lot; **and** 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 a shed in what is considered a front yard with twenty-eight (28) foot front yard, three (3) foot side yard and four (4) foot from pool.*

- a) Attorney to Review Legals: The notices and publications are in order for this public hearing.
- b) Petitioner’s Comments: Juan Garza, 10125 W. 128<sup>th</sup> Lane, Cedar Lake, IN 46303. Wanted a shed and already put it up. He apologized for that, didn’t know he needed a variance for this. He has a variance for the fence permit and after he found out he needed a permit for the shed, he applied for the variance. After he got the materials it started snowing, and the materials were going to get ruined. So he went ahead and put it together and put the roof on it so it wouldn’t go to waste. This was best place to put the shed to store his tools. Has a variance for a deck between the house and pool.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated he saw the shed was there when he went to get pictures. Concerned the location is three (3) feet from the side yard, would rather see it six (6) feet from side yard, as far as the three (3) feet away from the fence not really a necessity. It is in there pretty tightly. The six (6) feet would be the side, in the rear yard, where the twenty (20) feet utility easement and fence is, so he wouldn’t need to stay six (6) feet away from the shed.
- e) Board’s Discussion: Jerry Wilkening stated you can’t really move the shed anywhere without hitting the pool. Jeremy Kuiper asked Tim Kubiak if he had any suggestions on how to improve the setback. Tim Kubiak stated that the gate was locked when he went to take pictures, would need to go look at it more closely. Jeremy suggested turning the shed ninety (90) degrees so the door was facing north and then butt it up to the fence for the rear yard and maybe maintain that six (6) feet. Tim Kubiak suggested deferring it, so he could go look at the shed and see what options they have.

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to defer to the February 11, 2016 meeting so the Building Department can review further options.

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

2. Aron Schuhrke - Developmental Variance/Use Variance

Owner: Midtech Hydraulics Inc, 7515 Lake Shore Drive, Cedar Lake IN 46303  
Petitioner: Aron Schuhrke, 707 E. Commercial Ave., Lowell, IN 46356  
Vicinity: 7515 Lake Shore Drive, Cedar Lake, IN 46303  
7516 Lake Shore Drive, Cedar Lake, IN 46303

Legal Description: SUB. NW. PT. BLK. 6 SHADES ADD. CEDAR LAKE PLAT AA NW'LY 24FT. L.9 ALL L.8 **and** SHADES ADD. CEDAR LAKE PLAT A-A LOTS 2, 3,4,5&6 BLOCK 5

Tax Key Number(s): 45-15-23-329-007.000-043  
45-15-23-328-002.000-043

**1. Request:** Petitioner is requesting a Use Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District; Section 1: Intended Purposes: The general character of this Residential Zoning District is to consist of single-family dwellings, set on medium sized building lots. Non-residential uses would be of similar character as those in Residential Districts.

*This Use Variance is to allow the Petitioner to run a State Farm Insurance business in a residential zoning district.*

**2. Request:** Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXII Sign Regulations; Section 2: Signs in Residential Zoning Districts; 2. No off-premise signs shall be permitted in any Residential Zoning District.

*This Developmental Variance is to install three (3) parking signs 2’x10’ in size directly above a retaining wall.*

- a) Attorney to Review Legals: The notices and publications are in order for this item.
- b) Petitioner’s Comments: Richard Anderson, 9211 Broadway, Merrillville, IN. Bascially, Midtech Hydraulics is the owner of the property at this time. Aron Schuhrke is the proposed buyer. It has always been a business building, even though it is located in a residential area. There are ten (10) parking spaces across from the building, there are two (2) or three (3) in the front and one on the side. It is currently an office building, not suitable for residential. Use Varianace is to permit the operation of the State Farm Office, the Developmental Variance is to install three (3) signs across the street, so there is an indication of what the spaces are for. Have changed size of sign to 2’ x 6’ instead of 2’ x 10’. Aron Schuhrke has a State Farm office in Lowell and has

been an agent for ten (10) years and with State Farm for twenty (20) years. There are no other State Farm offices in Cedar Lake.

- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated it is a shock that this location is zoned residential. It is very consistent with the use it has been, he likes the fact signs will be mounted on retaining wall.
- e) Board's Discussion: Tim Kuiper stated this property zoning is consistent with the other properties in this area between Lake Shore and the Lake. The reason it is not changed to business in general, it would be spot zoning. There is not the appropriate space there typically for all businesses in those districts to be able to use it. With the variance of use, can be a little more selective about what is coming in and make sure it is appropriate. Jerry Wilkening questioned if State Farm had a standard size sign they use on their buildings. Richard Anderson stated they would meet the requirements in the ordinance for the sign on the building.

A motion was made by Jerry Wilkening and seconded by John Kiepura to approve the Developmental Variance for three (3) signs 2'x6' on the retaining wall and to include the finding of fact.

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

A motion was made by Jeff Bunge and seconded by Jerry Wilkening to send a favorable recommendation to the Town Council for the Use Variance to allow the petitioner to operate a State Farm Insurance business in a residential zoning district.

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

3. T&J Landscape Service - Developmental Variance

Owner: Tom Schilling & John Schilling, 12615 Wicker Ave., Cedar Lake, IN 46303  
Petitioner: T & J Landscape Service, 12615 Wicker Ave., Cedar Lake, IN 46303  
Vicinity: 12638 Wicker Avenue, Cedar Lake, IN 46303  
Legal Description: T & J Consolidation Lot 1  
Tax Key Number(s): 45-15-20-229-023.000-014

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 build a sign with 2' 4" x 10' LED Message Board and is 13'w x 11'h in size*

- a) Attorney to Review Legals: The notices and publications are in order for the public hearing tonight.
- b) Petitioner's Comments: Not present
- c) Remonstrators: Linda Browning, 12640 Wicker Avenue. Also submitted a letter. She does not want a billboard in her front yard. She stated in the original plan sign was set to be on other side of street. Concerns were also expressed about the lighting in their parking lots.
- d) Building Department's Comments: The digital part of the sign flashing in her window is a concern. Maybe set hours of operation for that sign.
- e) Board's Discussion: Jeremy Kuiper stated that we do put restrictions on electronic signs for brightness and motion. Jerry Wilkening also stated the electronic signs should dim at night. Jeremy Kuiper also stated that a condition of this board is the findings of fact and how it affects adjacent property owners.

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to defer this item to the February 11, 2016 meeting and a letter be drafted requiring their presence at the meeting, if they do not attend the item will be dismissed.

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

**Adjournment:** Time: 8:30 p.m.

**Press Session:** Board of Zoning Appeals Meeting – February 11, 2016 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