



**TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS
PUBLIC MEETING MINUTES
February 11, 2016 7:00 P.M.**

Call to Order (Time): 7:01 p.m.

Pledge to Flag:

Roll Call:

Present Eric Olson

Present John Kiepura

Present Jerry Wilkening

Present Jeff Bunge

Absent Jeremy Kuiper

Present Tim Kuiper, Town Attorney

Present Tim Kubiak, Director of Operations

Present Tammy Bilgri, Recording Secretary

Minutes:

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the January 14, 2016 Public Meeting Minutes as presented. Vote 4-0

Old Business:

1. Juan Garza - Developmental Variance

Owner: Juan Garza, 10125 W. 128th Lane, Cedar Lake, IN 46303
Petitioner: Juan Garza, 10125 W. 128th Lane, Cedar Lake, IN 46303
Vicinity: 10125 W. 128th 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 Legal's: Tim Kuiper stated this was properly advertised at last month's meeting and properly continued to tonight's meeting.
- b) Petitioner's Comments: Juan Garza was present.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated he did go out to speak with Mr. Garza. If he slides the shed three (3) feet to the west, then he would have a six (6) feet side yard set-back. His rear yard set-back would be fine, and he would be about forty-nine (49) inches from the pool. Mr. Garza felt he could achieve this without wrecking the shed. Other than it not being ten (10) feet away from the swimming pool, the only thing he would be asking for is four (4) feet from the pool. He can technically put the shed up to the fence since it is on the twenty (20) feet easement line. This seems like a good compromise.
- e) Board's Discussion: Jerry Wilkening was concerned with the distance of the electrical switch being five (5) feet. Tim Kubiak stated it is fine.

A motion was made by Jerry Wilkening and seconded by Eric Olson to approve the variance as requested with a six (6) feet side yard to include finding of fact.

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

2. 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

Deferred from January 14, 2016 meeting

- a) Attorney to Review Legal's: Letter being in order and continued from last meeting.
- b) Petitioner's Comments: No petitioner present.
- c) Remonstrators: None
- d) Building Department's Comments: None
- e) Discussion: A letter was sent to the petitioner on January 14, 2016 requesting their mandatory attendance at the meeting. Since the petitioner did not attend the meeting, should be removed from the agenda.

A motion was made by John Kiepura and seconded by Eric Olson to remove this item from the agenda.

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

New Business

1. Eric Davids – Developmental Variance

Owner: Eric Davids, 6241 W. 135th Place, Cedar Lake, IN 46303
Petitioner: Eric Davids, 6241 W. 135th Place, Cedar Lake, IN 46303
Vicinity: 6241 W. 135th Place, Cedar Lake, IN 46303
Legal Description: ROBINS NEST UNIT 2 LOT 82
Tax Key Number(s): 45-15-25-110-001.000-043

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 three (3) feet from side yard to the east of property and eight (8) feet from rear easement.

- a) Attorney to Review Legal's: Tim Kuiper stated that the notices and publications are in order for this public hearing.
- b) Petitioner's Comments: Eric Davids stated he had a permit for the shed, it is existing, he would prefer to leave it were it is now. The shed was rejected at inspection.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated what happened is he applied for a permit for a shed, but the shed is in the utility drainage easement. We cannot grant a variance to put a shed in the easement.
- e) Board's Discussion: Jeff Bunge asked where the easement runs. Tim Kuiper stated the drainage and utility easement runs behind the shed. Jerry Wilkening asked if moving it two (2) feet would put it in compliance. Tim Kubiak stated two (2) feet from the rear yard and three (3) feet from the side yard. John Kiepura asked if the shed is in the location it was show on the permit application. Tim Kubiak stated, no, he did not have a survey, he asked for it eight (8) feet off the easement, which we assumed it to be eight (8) feet off the easement and he assumed eight (8) feet off the property line. So there was a bit of confusion. Jeff Bunge asked if there were any plans by Mr. Davids or his neighbor to install a fence, because the three (3) feet side yard could become a maintenance issue.

A motion was made by John Kiepura and seconded by Jerry Wilkening to allow a three (3) feet side yard set-back and move shed two (2) feet out of rear easement and to include the finding of fact.

Eric Olson	John Kiepura	Jeff Bunge	Jerry Wilkening	Jeremy Kuiper	Vote
No	Yes	Yes	Yes	Absent	3-1

2. Hanover Community School Corp., - Developmental Variance

Owner: Hanover Community School Corp., 9520 W. 133rd Ave., Cedar Lake, IN 46303
Petitioner: Hutton & Hutton Architects & Engineers, 6832 Calumet Ave., Hammond, IN 46324
Vicinity: 10120 W. 133rd Ave., Cedar Lake, IN 46303
Legal Description: Hanover Central Campus Sub Lot 1Ex. Fieldhouse & Spec. gym parcel
Tax Key Number(s): 45-15-21-451-005.000-014

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 install a black vinyl coated chain link fence parallel with 133rd Avenue, to compliment the existing tennis court fencing.

- a) Attorney to Review Legal's: Tim Kuiper stated the notices and publications are in order for this meeting.
- b) Petitioner's Comments: Bill Hutton stated they would like to put in a six (6) feet tall black vinyl coated fence that would compliment the fencing the school has already installed on the tennis courts. North of the tennis courts and extends 1800 to 1900 feet to the west to the original west property line on the other end of the football field.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated that it is very consistent with the rest of things the school has and has no problem with it.
- e) Board's Discussion: Jerry Wilkening asked if the current four (4) foot fence that runs parallel on the south side of the football field is going to be removed. Bill Hutton stated yes.

A motion was made by Jerry Wilkening and seconded by Eric Olson to approve the Variance as presented and to include the finding of fact.

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

3. Hanover Community School Corp., - Developmental Variance

Owner: Hanover Community School Corp., 9520 W. 133rd Ave., Cedar Lake, IN 46303
Petitioner: Hutton & Hutton Architects & Engineers, 6832 Calumet Ave., Hammond, IN 46324
Vicinity: 10120 W. 133rd Ave., Cedar Lake, IN 46303
Legal Description: Pt. E.1/2 SW.1/4 S.21 T.34 R.9 Ly'ng E. of RR 17.639Ac
Tax Key Number(s): 45-15-21-377-005.000-014

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 install a black vinyl coated chain link fence parallel with 133rd Avenue, to compliment the existing tennis court fencing.

- a) Attorney to Review Legal's: Tim Kuiper stated that the notices and publications are in order for this meeting.
- b) Petitioner's Comments: Bill Hutton stated they would like to enclose the practice fields with a six (6) foot black vinyl coated fence. They are not near any residential, and would offer protection to the detention pond.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated the fence will make it look like one campus.
- e) Board's Discussion: None

A motion was made by Eric Olson and seconded by Jerry Wilkening to approve this Variance as presented and to include the finding of fact.

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

4. Herman Fisher – Developmental Variance

Owner: Herman Fisher, 7404 E. Plank Tr, Frankfort, IL 60423
Petitioner: Herman Fisher, 7404 E. Plank Tr, Frankfort, IL 60423
Vicinity: 13302 Wicker Ave, Cedar Lake, IN 46303
Legal Description: BP Sub. Lot 1
Tax Key Number(s): 45-15-29-229-036.000-014

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: 1. No more than two (2) on-premise signs shall be allowed on a zoning lot; 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 one hundred six (106) square feet in size; and add an additional six (6) signs.

- a) Attorney to Review Legal’s: Tim Kuiper stated that the notices and publications are in order for this public hearing.
- b) Petitioner’s Comments: Herman Fisher stated that he is going to move this sign about two (2) feet to the west, further away from the road. The new sign is a little wider than the existing sign. Will have to add signs to the car wash. Will be a menu board that will show the three (3) different price car washes.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated the new placement of the sign is an improvement, also asked for clarification if sign on the building is a bright flashing message board or like a LED TV screen. Mr. Fisher stated it is a LED TV screen.
- e) Board’s Discussion: Jerry Wilkening asked if that would fall into the message frequency changes that we had established already. Tim Kuiper stated it is a different situation with that type of unit. A lot of them are LED’s, this is more like a TV. Tim Kubiak stated as far as the flashing it is not actually on the roadway. Tim Kuiper asked if it had an auto dimmer. Mr. Fisher was not sure. Jerry Wilkening asked if he can turn down the intensity of the sign. Mr. Fisher stated yes. Jeff Bunge stated if the sign is programmable there should be a function to dim it. Tim Kuiper stated this is a little bit different situation because the sign is on the building and not next to the road.

A motion was made by Jerry Wilkening and seconded by Eric Olson to approve the request as presented with stipulations on brightness and flashing of message board and to include the finding of fact.

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

5. Trey Hansen - Special Use Variance

Owner: Greg Cowser, 10501 W. 133rd Ave., Lot 5, Cedar Lake, IN 46303
Petitioner: Trey Hansen, 10501 W. 133rd Ave., Lot 5, Cedar Lake, IN 46303
Vicinity: 10501 W. 133rd Ave., Lot 5, Cedar Lake, IN 46303
Legal Description: CEDAR LAKE INDUSTRIAL PARK LOT #5
Tax Key Number(s): 45-15-28-130-005.000-014

Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XVI-Light Industrial (M-1) Zoning District; Section 2: Use Regulations: B. The following uses may be permitted, provided they are approved by the Board of Zoning Appeals and are subject to any conditions placed upon them by the Board of Zoning Appeals; 49) Warehousing.

This Special Use Variance is to allow the Petitioner to run a warehouse for spare parts for wheel washing systems.

- a) Attorney to Review Legal’s: Notices and publications are in order for this item.

- b) Petitioner’s Comments: Trey Hansen stated he is starting a warehouse to take in spare parts, old wheel washing systems that go into landfills throughout the country. Predominately prefabricated steel parts, some pvc parts and some electrical parts. These are just spare parts that will be shipped in and distributed. Deliveries once a week. Will not be changing building at all.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated he is happy to see building being used. It is in the Industrial Park so has zero concerns. There is room to put stuff outside in the rear of building.
- e) Board’s Discussion: Jerry Wilkening asked if there would be any sandblasting or powder coating. Jeff Bunge asked if there would be any cleaning. Mr. Hansen stated no, just storage. Jerry Wilkening expressed concern with outside storage.

A motion was made by John Kiepura and seconded by Eric Olson to send a favorable recommendation to the Town Council with following conditions of outside storage allowed only in back of building and to include the findings of fact.

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

6. Lake County LBM, LLC – Developmental Variance

Owner: Lake County LBM, LLC, 8900 Wicker Ave., St. John, IN 46373
Petitioner: Scott Zajac, 8900 Wicker Ave., St. John, IN 46373
Vicinity: 10501 W. 133rd Ave., Cedar Lake, IN 46303
Legal Description: PT. NE NW LY'G EAST OF NYC RR S.28 T.34 R.9 Ex Pt. N.36ft in R/W 6.703Ac
Tax Key Number(s): 45-15-28-129-011.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXII Sign Regulations; 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 install two (2) signs on the building with surface area of 175 sq ft and 98 sq ft.

- a) Attorney to Review Legal’s: Tim Kuiper stated the notices and publications are in order for this public hearing.
- b) Petitioner’s Comments: Scott Zajac stated this is the Schilling Distribution Center and they would like to put a sign that is proportionate with the building itself. It is bigger than listed in the ordinance. This sign would be on the east side.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated that the twenty-five (25) foot by seven (7) foot sounds like a big sign, but on that building it is not that big. There is no other signage on the Industrial Drive side. Has no problem with it.
- e) Board’s Discussion: Jeff Bunge asked if they thought the signage on the building was inadequate. Mr. Zajac stated they would like to have a sign on both sides as part of a bigger plan to beautify the grounds.

A motion was made by Jerry Wilkening and seconded by Eric Olson to approve the Variance as presented and to include the findings of fact

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

7. Eric Lindemulder – Development/Use Variances

Owner: Eric Lindemulder, PO Box 2009, Cedar Lake, IN 46303
Petitioner: Eric Lindemulder, PO Box 2009, Cedar Lake, IN 46303
Vicinity: 12634 Wicker Ave., Cedar Lake, IN 46303
Legal Description: Cedar Gardens BL.2 E.160ft of lots 5,6&7 Ex. S.30ft of lot 7
Tax Key Number(s): 45-15-20-229-021.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XIV-General Business (B-3) Zoning District; Section 1: Intended Purpose: The General Business (B-3) Zoning District is designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Neighborhood Business (B-1) Zoning District or the Community Business (B-2) Zoning District. The General Business (B-3) Zoning District is intended to serve predominantly motorists. Section 4: Height Regulation: The maximum height of any buildings or other structures shall be two (2) stories, or not more than thirty (30) feet; **and** Section 5: Area, Width and Yard Regulations: B. Front Yard: 1) On existing four (4) lane

Federal or State highways a distance of sixty (60) feet. **and** C. Side Yard: 2) On a lot abutting a more restrictive Zoning District, there shall be a side yard having a width of not less than fifteen (15) feet. **and** D. Rear Yard: 1) There shall be a rear yard on each lot, the depth of which shall not be less than thirty (30) feet from the rear lot line. **and** Title XXII-Sign Regulations; Section 3: Signs in Business or Industrial Districts: c. The maximum sign sizes shall not exceed; ii. In the case of two (2) such on-premise signs, one (1) sign shall be no more than sixty (60) square feet in size and one (1) sign shall be no more than thirty-two (32) square feet in size. 2. A. The height of a sign shall conform to the height requirements of Zoning District in which it is located: 2. B-3 -30 feet. **and** Title XXVII-Off Street Parking and Off Street Loading; Parking Schedule; Offices, business and professional – 1 space for every 200 square feet of floor area.

This Developmental Variance is to allow the Petitioner to have a building thirty-five (35) feet in height; parking in the front yard setback; side yard set to five (5) ft.; rear yard set to five (5) feet; a flag pole maximum of fifty (50) feet; detached sign of 180 sq feet; a total of twenty (20) parking spaces.

Petitioner is requesting a Variance of Use from Zoning Ordinance No. 496, Title XIV-General Business (B-3) Zoning District. This Use Variance is to allow the Petitioner to have three (3) units.

- a) Attorney to Review Legal's: Tim Kuiper stated that the notices and publications are in order for this meeting.
- b) Petitioner's Comments: Eric Lindemulder stated it would be a three (3) unit office building, he is an insurance agency and the two (2) side offices would be for other professional offices, accountant, and lawyer. The building will not be as high as he is asking for.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated he thinks he could keep the height at thirty (30) feet; the building he has presented is only about twenty-six (26) feet tall at most. Biggest concern is the three (3) uses and the twenty (20) parking spaces and the B-3 Zoning, but Tim Kuiper says that if it is a special use for a professional office, he would be able to use it for only professional. Tim Kuiper stated it is a use variance for three (3) uses on a single zoning law, but what he has asked for is to limit it to that office, business and professional because that then ties into the parking requirements. So as long as any of those uses come in, an accountant or attorney, engineer is fine, it still falls within that. It cannot go to retail without coming back because that changes the parking requirements and that is a much more intense use. Tim Kubiak stated it will definitely work with the right businesses in there, only concern is when he decides to sell the building then what will we have. Believes it should be B-1 Zoning. If you were putting up a B-3 building with B-3 zoning, one (1) business for twenty (20) parking spaces, and making that building for a B-3 use, but in this instance you are making a bigger building and its potential of you using it. Let's say you move to Florida in five (5) years and someone buys this building and tries to make it into a body shop or a retail store that needs sixty-five (65) parking spots. Tim Kuiper stated that if you were to try to change it to retail with the same square footage you would need double the parking spots.
- e) Board's Discussion: Jerry Wilkening asked if the small house there would be gone. Mr. Lindemulder stated it would be gone within a year. He will operate out of that until the new building is ready. Jerry Wilkening asked if Don Oliphant had any issues with the details of this plan. Tim Kuiper stated the drainage would have to go through site plan at the Plan Commission level. Jeff Bunge asked what the reason for the small north side yard. Mr. Lindemulder stated it was to allow for more room on the other side for garbage pickup and then it wasn't right next to T & J's truck opening. John Kiepura was concerned with the height of the building and the flag pole. Tim Kuiper stated that you cannot exceed the height of the zoning law of thirty-five (35), just having it on there so no issues later on.

A motion was made by Jerry Wilkening and seconded by Eric Olson to approve the variance request as presented and to include the findings of fact.

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

A motion was made to send a Favorable Recommendation to the Town Council with the following conditions on use of the property may only be business, office or professional uses and any uses different than those specified require an additional Use Variance approval due to the limited number of parking spaces on the property and to include the findings of fact.

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

8. Chris Asche – Special Use Variance

Owner: CLRP, LLC, Lawrence Turnquist, 12005 Parrish Ave., Cedar Lake, IN 46303
Petitioner: Chris Asche, 8882 Louisiana St., Ste C, Merrillville, IN 46410
Vicinity: 10501 W. 133rd Ave., Lot G or Lot 7, Cedar Lake, IN 46303
Legal Description: CEDAR LAKE INDUSTRIAL PARK LOT #7
Tax Key Number(s): 45-15-28-130-007.000-014

Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XVI-Light Industrial (M-1) Zoning District; Section 2: Use Regulations; 3) Automobile rebuilding, reconditioning, truck repair or overhauling.

This Special Use Variance is to allow the Petitioner to run Lifted Life Custom Shop, to build custom trucks and install lifts, wheels and accessories.

- a) Attorney to Review Legal’s: Tim Kuiper stated the notices and publications are in order for this public hearing.
- b) Petitioner’s Comments: Chris Asche stated they basically build custom trucks, they were in Merrillville and need a bigger spot. Small fabricating. Do not do any paint work. Hours of operation 10:00 a.m. – 6:00 p.m., Saturday and Sunday by appointment only.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated it is a good use for the building and to limit outside storage to the rear of building.
- e) Board’s Discussion: Jeff Bunge asked if they would need outside storage. Mr. Asche stated very minimal if any. Jerry Wilkening asked if any painting or sand blasting will be done or changing the building in anyway. Mr. Asche stated no.

A motion was by Jerry Wilkening and seconded by Eric Olson to send a favorable recommendation to the Town Council to allow the petitioner to operate Lifted Life Custom Shop, to build custom trucks and install lifts, wheels and accessories with the following conditions; no painting allowed and outside storage allowed only in back of building and to include the findings of fact.

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

Public Comment: None

Adjournment: Time: 8:53 p.m.

Press Session: Board of Zoning Appeals Meeting – March 10, 2016 at 7:00pm

Eric Olson

Jeff Bunge, Vice Chairman

Jerry Wilkening

Jeremy Kuiper, Chairman

John Kiepura

Attest: Tammy Bilgri, Recording Secretary