



**TOWN OF CEDAR LAKE  
BOARD OF ZONING APPEALS  
PUBLIC MEETING MINUTES  
March 10, 2016 7:00 P.M.**

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

Pledge to Flag:

Roll Call:

Present Eric Olson (Arrived late)

Absent John Kiepura

Present Jerry Wilkening

Present Jeff Bunge

Present Jeremy Kuiper

Present David Austgen, Town Attorney

Present Tim Kubiak, Director of Operations

Present Tammy Bilgri, Recording Secretary

**Minutes:**

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to approve the February 11, 2016 Public Meeting Minutes as presented. Roll Call Vote: 3-0

**New Business:**

**1. Accent Homes – Developmental Variance**

Owner: Accent Homes, Inc., 2036 W. 81<sup>st</sup> Ave., Unit B, Merrillville, IN 46410

Petitioner: Accent Homes, Inc., 2036 W. 81<sup>st</sup> Ave., Unit B, Merrillville, IN 46410

Vicinity: 14301 Colfax St., Cedar Lake, IN 46303

Legal Description: SHADES ADD. CEDAR LAKE PLAT B ALL L.8 BL.6

Tax Key Number(s): 45-15-35-281-001.000-043

Request: 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; B. 4) On all other streets, a distance of thirty (30) feet.

***This Developmental Variance is to allow the Petitioner to build on a corner lot and reduce northern building line from thirty (30) feet to fifteen (15) feet to accommodate a sixty-six (66) wide single family detached residential structure.***

- a) Attorney to Review Legals: David Austgen stated the legal's are in order for this meeting.
- b) Petitioner's Comments: Wesley Morin 2036 W. 81<sup>st</sup> Ave., Merrillville, IN 46410. Looking to get a variance on the northern side yard, from what is originally a thirty (30) foot building line on an unimproved street to a fifteen (15) foot side yard. The customer wanted a garage larger than the ordinance. The situation with this lot is a tricky one. They needed an additional fifteen (15) feet to build the house they want and even without the expansion on the garage would need a variance. They would like a three car garage. Will eventually apply to vacate the streets, on the east and north sides, with the approval of the adjacent property owners. The side yard on the south side of the house is nine (9) foot. Do have a buyer for this house.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated this lot is on Colfax Street on the east side of the lake, currently it is a dead end. There is really no place for Clovis to go. Does not see a problem with the variance.
- e) Board's Discussion: Jeremy Kuiper asked if it is because of the unimproved street that they would need the thirty (30) feet. Jeff Bunge asked if Colfax was platted to extend. Tim Kubiak stated there is no plat to Colfax. Leave Clovis for emergency vehicle turn around. David Austgen stated that if we ever needed a utilities easement, platted Clovis is still there.

A motion was made by Jerry Wilkening and seconded by Eric Olson to grant the Developmental Variance as requested and to include the findings of fact.

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

2. Hanover Community School Corp./Building Trades - Developmental Variance

Owner: Hanover Community School Corp., Building Trades, PO Box 645, Cedar Lake, IN 46303  
Petitioner: Hanover Community School Corp., Building Trades, PO Box 645, Cedar Lake, IN 46303  
Vicinity: 7430 W. 128<sup>th</sup> Lane, Cedar Lake, IN 46303  
Legal Description: The Meadows BL.4 lots 31,32 & W.1/2 of lot 33  
Tax Key Number(s): 45-15-23-183-034.000-043

Request: Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title VIII – Residential (R-2) Zoning, Section 4: Area, Width, and Yard Regulations: B. Front Yard: 4) On all other streets, a distance of thirty (30) feet; **and** D. Rear Yard: There shall be a rear yard of not less than twenty-five percent (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.

***This Developmental Variance is to allow the Petitioner to have approximately thirty-two percent (32%) lot coverage, front yard setback of twenty (20) feet and rear yard setback of 19.92 feet.***

- a) Attorney to Review Legals: David Austgen stated all publications are in order for this item.
- b) Petitioner's Comments: Larry Gutierrez, 9520 W. 133<sup>rd</sup> Ave., Cedar Lake, IN 46303. Due to the hardship of small lot size, are looking at setbacks and the biggest concern was lot coverage. Trying to make a decent size family home.
- c) Remonstrators: Mark Harder, 7417 W. 128<sup>th</sup> Pl., against the lot getting built up. Worried about drainage issues. Jason Mueller, 7506 W. 128<sup>th</sup> Lane, concerns about drainage if house is raised, already gets run off from other lots. Concern with drainage ditch in front. Chris Moek 7413 W. 128<sup>th</sup> Pl., bought house they just finished. Concerns with flooding if they build house up.
- d) Building Department's Comments: Tim Kubiak stated these lots are fairly small and what they are asking for, the thirty-five (35) percent lot coverage is consistent with this part of town. The front yard setback of twenty (20) feet is more than most of the homes in that area and on the street. The survey does not show an elevation. Would need to have engineering and drainage issues looked into. Would be wise to defer, then could come out and look at it.
- e) Board's Discussion: Jeremy Kuiper asked if the deck was part of lot coverage and if they were interested in putting any out buildings on property. Mr. Gutierrez stated just a single family home. Jerry Wilkening asked square footage. The house is 1616 sq. ft. Tim Kubiak answered some of the remonstrator's questions. He stated that he garage floor has to be sixteen (16) inches above the road. David Austgen stated that the Town Council and Storm Water Board have been looking into storm circumstances on some properties in town and subdivisions that don't have adequate specifications. The questions and issues raised tonight need to be looked into. Jerry Wilkening asked could some of the problems be the ditches and waterways don't remain the same elevations over time.

A motion was made by Jerry Wilkening and seconded by Eric Olson to defer this to the April 14, 2016 meeting pending Building Department review and elevation plans.

Eric Olson	Jerry Wilkening	John Kiepora	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Absent	Yes	Yes	Yes

3. Don Frey - Use Variance

Owner: Don Frey, 332 E. 125<sup>th</sup> Pl., Crown Point, IN 46307  
Petitioner: Don Frey, 332 E. 125<sup>th</sup> Pl., Crown Point, IN 46307  
Vicinity: 14527 Lake Shore Drive, Cedar Lake, IN 46303  
Legal Description: SOUTH SHORE SUB. L.1 & 2  
Tax Key Number(s): 45-15-35-304-001.000-043

Request: Petitioner is requesting a Use Variance from Zoning Ordinance No. 496, Title XIII: Community Business (B-2) Zoning District: Section 2: Use Regulations: A: 52) Restaurants, taverns or other places serving food or beverage, when no entertainment or dancing is provided.

***This Use Variance is to allow the Petitioner to have outdoor dining, outdoor entertainment, indoor entertainment.***

- a) Attorney to Review Legals: David Austgen stated the proofs show the auditors list is intact, with a green card attached. But it appears that we are missing green cards, but have receipts. Notice of publication in newspaper has been timely made.
- b) Petitioner's Comments: Don Frey, 332 E. 125<sup>th</sup> Pl., Crown Point. Asking for outdoor dining and outdoor entertainment on the deck. Trying to do a relaxed feeling, indoor acoustic and karaoke, small one (1) or two (2) person things. Outside would like to

have a little bigger, possibly a band or three (3) or four (4) piece ensemble. Wedding showers, martini weddings, local breweries. Does not want late night bands, just low key events.

- c) Remonstrators: Bill Keen, 14334 Lake Shore Dr., is one hundred (100) percent in favor.
- d) Building Department's Comments: Tim Kubiak stated concerns with times of outdoor events and the frequency. Need to establish some guidelines since in a residential area.

Board's Discussion: Jeremy Kuiper stated the obvious concern is it is in a residential area. There are noise ordinances. The Board discussed what restrictions other businesses have. Jeff Bunge stated facing music toward lake instead of toward residential. Jerry Wilkening expressed concerns with safety of foot traffic crossing the road. The Board expressed most concern with outdoor events, not as concerned with amount of indoor events. Jerry Wilkening stated his definition of event is something that would affect the neighbors. Jeremy Kuiper stated most concerned with electric/amplified events. Discussion ensued about times and hours for these events.

A motion was made by Jerry Wilkening and seconded by Eric Olson to send a favorable recommendation to the Town Council to allow two (2) outdoor electric/amplified events a month, with quiet hours starting at 10:00 p.m. on weekdays, and 11:00 p.m. on weekends with a conditional recommendation for public way and safety crossing improvements in conjunction with the Town, Engineering Consultant and Director of Operations and to return to the September 8 meeting for a business report and status update.

Eric Olson	Jerry Wilkening	John Kieपुरa	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Absent	Yes	Yes	Yes

4. Richard and Robert Henn - Use Variance

Owner: Richard and Robert Henn, Henns Transportation & Warehousing, LLC, 13733 Wicker Ave., Cedar Lake, IN 46303

Petitioner: Richard Henn, 13733 Wicker Ave., Cedar Lake, IN 46303

Vicinity: 13109 Wicker Ave., Cedar Lake, IN 46303

Legal Description: W.280FT & S.100FT LYG E OF W 280 FT OF PAR 531.9X495.3X534X495.3FT NW SW S.21 T. 34 R.9 EX TRI PAR 3.619A & TRI PAR 100X162.55X 127.25FT. .146A. and E. 7A. OF N. 30RDS. OF S. 130RDS. OF W. 80RDS. OF SW. S.21 T.34 R.9 7A. and PT. N. 25A. OF NE. SW. LY'G W. OF 1.H. RR. & S. OF LINE 495FT. S. OF N. LINE N. 25A. S.21 T.34 R.9 1.766A. and PT. N1/2 SW ADJ. W. LINE CI & S.R.R 667.38X299.72X237X160.45X403.62X 139.25FT. S .21 T.34 R.9 3.024A. and EAST 424.50 OF THE W 923.90 OF THE NORTH 525.90 OF THE SOUTH 1659.25FT EX. S145. 40 OF THE E 212.20FT. SW1/4 S.21 T.34 R.9 4.417 AC. SUBJ. TO ROAD EASM'T and E.249.7ft of W.499.49ft. of N.204ft of S.1329.01ft of SW.1/4 S.21 T.34 R.9 1.153 Ac and S. 50FT. OF N. 330FT. OF S. 1650 FT. OF W. 499.4FT. OF W1/2 SW. 50X499.4FT. E. 1 6FT. PUBLIC HWY S.21 T.34 R.9 .564A.

Tax Key Number(s): 45-15-21-301-006.000-014 and 45-15-21-301-016.000-014 and 45-15-21-326-002.000-014 and 45-15-21-326-003.000-014 and 45-15-21-301-015.000-014 and 45-15-21-351-002.000-014 and 45-15-21-301-014.000-014

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. And Title XIII – Community Business (B-2) Zoning District; Section 1: Intended Purposes: The Community Business (B-2) Zoning District is designed to provide for the needs of a larger consumer population than is served by the Neighborhood Business (B-1) Zoning District, and is generally characterized by an integrated cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic.

***This Use Variance is to allow storage units in R-2 & B-2 Zoning Districts.***

- a) Attorney to Review Legals: David Austgen stated the notices and publications are in order for this meeting, subject to verification of certified receipts.
- b) Petitioner's Comments: Robert and Richard Henn, 13733 Wicker Ave., Cedar Lake. Own the property at 13109 Wicker Ave, known as the Great Oaks theater property, currently the property is seven (7) parcels, zoned as R-2 and B-2. Would like to keep the B-2 and R-2 with a special use for storage buildings. Currently operate two (2) other storage facilities in town. Suggested by Plan Commission instead of trying to rezone, ask for the special use.
- c) Remonstrators: Ruth Linz, 10208 W. 131<sup>st</sup> Ave., concerns with property value, hours of business and keep it R-2. Susan Linz, 13104 Osborn St., concern with hours, lighting and it being an eye sore with large construction equipment and boats. Loretta DiBiase, 11011 W. 129<sup>th</sup> Ave., concern with a road on 129<sup>th</sup>, outdoor storage, lighting and drainage. Patrick Willy, 10801 W. 129<sup>th</sup>, concerns with business in a residential zoning, noise if woods taken out and with saving environment. Richard Zarr, 10905 W. 129<sup>th</sup> Ave., concerns with water runoff.

- d) Building Department’s Comments: Tim Kubiak stated remonstrators were concerned with rezoning to B-3 and the unknown. Thought special use would be the easiest way to go, instead of rezone. This is just a concept at this point. If the special use goes, then they would still have to do a two (2) lot subdivision along with the site plan. Tim Kubiak stated this would protect the neighbors for future use of the property.
- e) Board’s Discussion: Jeff Bunge had questions about the private road. The Board discussed setting stipulations once a site plan is presented. Jerry Wilkening stated concerns for outside storage, lighting, and green space. Jeff Bunge asked if it would be lit twenty-four (24) hours.

A motion was made by Jerry Wilkening and seconded by Eric Olsen to send a favorable recommendation to the Town Council to allow Storage Units in R-2 and B-2 Zoning Districts and to include the findings of fact and subject to the verification of mailings.

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

**Adjournment:** Time: 9:04 p.m.

**Public Comment:** None

**Press Session:** Board of Zoning Appeals Meeting – April 14, 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