



**TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS
PUBLIC MEETING MINUTES
June 9, 2016 7:00 P.M.**

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

Pledge to Flag:

Roll Call:

Absent Eric Olson

Present Jerry Wilkening

Present John Kiepura

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 Jeff Bunge and seconded by John Kiepura to suspend reading to next month of the May 12, 2016 Public Meeting
Roll Call Vote: 4-0

Old Business:

1. 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. 128th 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 Development Variances 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.

Deferred from March 10, 2016 Public Meeting

Deferred from April 21, 2016 Public Meeting

Deferred from May 12, 2016 Public Meeting

- a) Attorney to Review Legals: The legals have been reviewed and on the agenda for months.
- b) Petitioner's Comments: None
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated the last communication was before the previous meeting. They were going to get an engineer to get some elevations. Have not heard anything this month.
- e) Board's Discussion: David Austgen suggested removing this item from the agenda. When they are ready they will come back.

A motion was made by John Kiepura and seconded by Jerry Wilkening to remove the item from the agenda.

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

2. Brian Hardesty – Developmental Variance

Owner: Brian Hardesty, 9413 W. 142nd Ave., Cedar Lake, IN 46303

Petitioner: Brian Hardesty, 9413 W. 142nd Ave., Cedar Lake, IN 46303

Vicinity: 9413 W. 142nd Ave., Cedar Lake, IN 46303

Legal Description: Jane Dwan Gardens BL.4 Lots 34 & 35

Tax Key Number(s): 45-15-34-106-017.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District Section 4: C. 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** D. there shall be a rear yard not less than twenty-five percent (25%) of the depth of the lot **and** E. Not more than twenty-five percent (25%) of the area of the lot may be covered by buildings/structures.

This Developmental Variance is to allow the Petitioner to build an attached garage with zero (0) side yard setback, a twenty (20) foot rear yard setback and to exceed lot coverage

Deferred from May 12, 2016 Public Meeting

- a) Attorney to Review Legals: David Austgen stated the legals are the same and continued.
- b) Petitioner’s Comments: Brian Hardesty, 9413 W. 142nd Ave., brought a new survey. Is still within boundaries for the garage, but if goes twenty (20) feet back, will be over boundary because house is crooked. Mr. Hardesty stated he wants to come up with a solution, where he could move it over.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated he just saw the survey, no way for him to extend the garage out on the same plane as he currently is. Would have to step it in a foot or so. The building is right on the property line, his sidewalk is actually on the neighbors property.
- e) Board’s Discussion: David Austgen stated the practical of this petition is if this board deems it appropriate to grant the variance requested. It will perpetuate a zero lot line improvement. It may not affect Mr. Hardesty and his neighbor, who might be ok with it. We could find ourselves in a circumstance down the road where this encroachment exists and everybody is in a mess. Jerry Wilkening stated he would like to see him own what his stuff is on. Wants him to explore buying a few feet from the neighbor. Jeremy Kuiper asked what the lot coverage would be with the addition. Tim Kubiak stated thirty-seven (37%) percent lot coverage with the garage addition. Mr. Hardesty stated he would remove the shed after the garage is up. Jeremy Kuiper stated this is a tough one, it is already an existing nonconforming. David Austgen stated the board is not here to fix his problems. John Kiepura stated the problem is the space between the property line and the building. Need the space for safety reasons for fire department to get back there and with garage on the property line there is not enough space. Tim Kubiak stated the gable of the house is technically over the property line. David Austgen stated that is legal encroachment. Tim Kubiak stated if he stepped it eight (8) inches and kept it square with the house he would be six (6) inches at the back of the twenty (20) feet. Jerry Wilkening suggested trying to buy some property from the neighbor.

A motion was made by Jeff Bunge and seconded by Jerry Wilkening to defer to the July 14, 2016 meeting.

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

3. Bruce Jobb - Developmental Variance

Owner: Bruce Jobb, 16WS41 Timberlake Dr., Willowbrook, IL 60527
Petitioner: Bruce Jobb, 16WS41 Timberlake Dr., Willowbrook, IL 60527
Vicinity: 13701 Lauerman, Unit 69, Cedar Lake, IN 46303
Legal Description: Cedar Lake Ministries Lot 67 & Oulot 67
Tax Key Number(s): 45-15-27-129-028.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District; Section 4: B. Front Yard: 4) On all other streets, a distance of thirty (30) feet

This Developmental Variance is to allow the Petitioner to have a front yard setback of three (3) feet to extend existing deck to a permanent structure

Deferred from May 12, 2016 Public Meeting

- a) Attorney to Review Legals: David Austgen stated the legals are the same, this is a deferred continued public hearing.
- b) Petitioner’s Comments: Bruce Jobb, 16WS41 Timberlake Dr., Willowbrook, IL. Wants to do a room addition to the entryway.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated last month we asked him to bring in some type of plan on what he is planning on doing. He is in the Conference Grounds where they have a lot of small lots. The current deck is six feet by twelve feet (6’ x 12’) the room addition is ten feet by twelve feet (10’ x 12’).
- e) Board’s Discussion: Jeremy Kuiper stated what the board wanted to see is how it was proposed because there was some unknown as to how close it would be to the road and what it meant to attach the deck to a permanent structure. It would be three (3) foot off the road. The board discussed the plans, location and setbacks. David

Austgen stated that Fire Chief Wilkening sent an email comment stating he does not like structures that close to the roadway for safety reasons. Jerry Wilkening stated this fits most of what they are doing in there and we have given tighter spaces than that. Jeremy Kuiper stated this is a precedence, then everyone is going to want to be three (3) feet off the road.

A motion was made by Jerry Wilkening to approve the Developmental Variance as requested and to include the findings of fact. There was no second, motion failed.

A motion was made by John Kiepura and seconded by Jeff Bunge to deny the Developmental Variance and to include the findings of fact.

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

Mr. Jobb asked what the findings were for the denial. David Austgen stated a developmental variance may be approved only upon a determination that the approval will not be injurious to the public health, safety, morals and general welfare of the community. The use and value of the area adjacent to the property included in the variance will be effected in a substantially adverse manner. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

4. Mark Lesniak – Use Variance

Owner: Cedar Lake Ventures, 3030 Forest Park Dr., Dyer, IN 46311
Petitioner: Mark Lesniak, 10307 Silvermaple Dr., St. John, IN 46373
Vicinity: 13300 Lincoln Plaza, Cedar Lake, IN 46303
Legal Description: S.56.46ft of N.106.46ft of W.185ft of E.505.02ft of E.1/2 NE.1/4 S.28 T.34 R.9 . 284Ac subj. to easement
Tax Key Number(s): 45-15-28-228-001.000-014

Request: Petitioner is requesting a Use Variance from Zoning Ordinance No. 496, Title XII- Neighborhood Business B-1 Zoning District; Section 2: B.; 25. Restaurants, or Cafes (excluding dancing or entertainment and restaurants of a drive-in nature and establishments serving alcoholic beverage)

This Use Variance is to allow the Petitioner to have Entertainment and Alcohol

Deferred from May 12, 2016 Public Meeting

- a) Attorney to Review Legals: David Austgen stated the legals are the same as the last meeting. This is a deferred and continued public hearing.
- b) Petitioner’s Comments: Mark Lesniak, 10307 Silvermaple Dr., St. John, IN 46373. Melissa Miller, 603 W. North St., Crown Point, IN 46307. Mr. Lesniak stated he has secured parking rights from the owner of the old Donelli’s pizza. After her building is knocked down we will have 5,000 sq. ft. lot and can make 25,000 sq. ft. lot and she has plans to use about 5,000 sq. ft. for a building. So can put in a 20,000 sq. ft. parking lot enough to hold 65-70 cars. Plus what they have in back, they have enough without using any spots in front.
- c) Remonstrators: Dave Harkabus, 8029 Lake Shore Dr., is for the variance. Wants upscale business to improve plaza. Plaza looks like a train wreck would like it cleaned up. Wants them to work together on solution to parking.
Terry McDermott; dental office across the street, been there for 32 years. Has concerns with parking for his customers. Does not want this kind of business in the plaza. Can have a good business that doesn’t need a lot of parking.
Jack Adams, 13131 Marquette St., worked with them in the past with other projects. They are trying to improve Cedar Lake, and bring better businesses to town. Trying to brand this as bringing in the history of Cedar Lake. Will bring new businesses in also. The space existed before and there wasn’t a problem with parking. Everybody can work together to grow Cedar Lake.
Gina Eustace, 10070 Spring Lake Rd., St. John, IN. Just bought Donelli’s pizza and applied for demo permit. The plan is to knock down that building and eventually build a small strip mall not larger the 5,000 sq. ft., two (2) or three (3) units. Back of lot is grass at this point, will be paved and used as a parking lot. Does not have any plans at this point. Have a verbal agreement with Mr. Lesniak that he can use my parking, understand that the storm sewers have to be taken care of.
Keith Piszro, Southside Pizza, is not against the business going in, glad to see more business. When he purchased his building the first thing was parking, that is his only concern.
Jim Samuelson, 9042 Teal Pl., St. John. Agent selling all the property. Just wanted to hear about the parking and who is entitled to what.
- d) Building Department’s Comments: Tim Kubiak stated an agreement from the owner of the property is far from an engineered approved parking lot in town. Need storm water engineering, site plan approval, complete development of that site to create the parking, then an agreement to park there. We do not have a plan from the owner of

the Donelli's building. If that was established and the building was built and parking was in and had an agreement with property owner, it is a completely different situation. Sounds like a great plan if that building was constructed and there was extra parking, and had an agreement, but there are zero plans for what is happening with that property except for the building being torn down. For that site to come in and get engineered, developed and built is more than a week process. Will take ninety (90) days to get approved, let alone construction time. There are thirty-seven (37) spots to the rear and south of the building and four (4) spots in front. Those thirty-five (35) spots that are in the back, are they divided equally. That building has six (6) businesses. Who designates who has what spots. Can see with something that requires a lot of parking, some signage that says this parking for this business. Need to show us seventy-nine (79) parking spaces. Have the twenty-five (25) spots and if that was allowed for right now, when the owner of Donelli's property decides to improve their property, where are your parking spots now during their construction. They are asking for live entertainment and alcohol in the B-1 Zoning, and alcohol needs a B-2 Zoning.

- e) Board's Discussion: Jeremy Kuiper stated we took the request under consideration and there were issues with parking, needed layout plan, so we can make a better decision. Discussion on the plans ensued, proposed hours, restaurant main concentration for business, live bands or acoustic acts per month, proposed menu, need information of parking. Questions about ownership of alley way. Discussion about if another building is built, then parking would become an issue again. Jeremy Kuiper asked currently how many parking spots they have without an agreement? Mark Lesniak stated fifty-seven (57), on their outlot behind them. This is for the entire complex. John Kiepura stated he only has the four (4) spots in front of his building. Proposed occupancy is 158. Would need seventy-nine (79) spots. John Kiepura asked after they knock down Donelli's would they need engineering to use it as a parking lot. David Austgen stated yes. David Austgen stated compliance of that parking lot with town code. The Town of Cedar Lake spent millions of dollars to redo 133rd Avenue, so strict adherence to our codes is important. David Austgen stated they are not entitled to any of the parking in the Strack & Van Til lot. A brief explanation to the commercial business owners so the record is clear on the Strack's parking. Jeremy Kuiper stated their proposed hours of operation 11:00 a.m. to midnight, Sunday thru Thursday and Friday and Saturday 11:00 a.m. to 2:00 a.m.

David Austgen stated that they looked at this very closely after the last meeting. This is a very sophisticated piece of property. When developed after World War II by Mr. Mager, a lot of things happened in The Plaza. Easements, separate ownership rights, parking and access rights, alleys, a variety of things. We looked at it, especially when given the copy of restrictive covenants. This Board was given covenants that were proclaimed to be the right for use in parking by the Bunge Hardware Store, by the Strack and Van Til and throughout the project. Brought engineer Rex Sherrard, he is going to walk through the plat that depicts all of the ownership interest. Also, pulled the documentation that we had from the sale transaction for the purchase for the hundred (100) foot right of way, that is commonly known as Broadway. Finally looked at all the documents that related to the retained ownership rights or use rights of the property owners in the Plaza. A copy of the document and memo were given to Board Members.

Rex Sherrard stated the covenants document that Attorney Austgen referred to, applies to only the lots north of Stracks. It takes in those six (6) existing buildings and the grass square. Those covenants only provide for access and parking on the west seventy-five (75) feet of that block of lots. It is only for those particular lot owners. Next we discussed Lincoln Plaza Drive, also known as Broadway, is one hundred (100) feet. Right now there is a concrete curb down the center and that drive is fifty (50) feet on either side of that curb, which takes it up to the east building line of the existing buildings. The Town did acquire easement rights for the west fifty (50) feet up to the Stracks lot. They also acquired easements from that parcel all the way to the north line of Stracks, that is the part the Town is planning on approving in the future. Secondly, there was another document presented, which was a trade in easements for all the property owners, that was done for the Stracks plat, when that development came in. There used to be a forty (40) foot access easement off of Parrish, it made a little "s" curve came into the proposed Lincoln Plaza West. It was replaced by about a twenty-six (26) foot strip access easement. That document only grants access to the adjoining parking. It has nothing in it about shared parking or any other parking rights. The parking for Stracks and the True Value is private parking. Mr. Piszro's property all of that parking is privately owned. David Austgen asked if that was inclusive of the one hundred (100) foot of Broadway that was acquired by the Town easement, right of way, the parking on that will be shared parking. Nothing exclusive to a property owner or business owner. The Town spent a lot of money, time and litigation to acquire what he just talked about. It will be improved when the Town Council directs the specifics of that, want to make sure Dr. McDermott and Keith will have access to their property. Rex stated one clarification, the twenty (20) foot to the west of the shared parking area is a dedicated public alley. The alley parallel to Parrish, there is only a short segment that is public, the rest is privately owned. The Town owns a small strip of the access on 133rd. Part of the strip is owned by Cedar Lake Ventures, but it is chopped up.

Jeremy Kuiper stated a condensed version is they have a shared fifty-four (54) spaces between that entire strip mall plaza. Anything claimed from the Donelli's property cannot be taken into consideration until there has been proper review of legal documents. David Austgen asked for the document to be made part of the file. Jeremy Kuiper stated we cannot give them parking at Donelli's. David Austgen stated that legally we can't, Gina stated a verbal relationship, but in Indiana needs legal agreements in writing, not suited for parking, building is coming down and do

not know what is going there. Tim Kubiak stated that Gina is not going to stand up here and designate or tell you her plans for her future property, that it is going to include twenty-five (25) to thirty (30) spots for your business, when she is done. This is a recommendation to the Town Council if they want people parking up and down the street and in the grass.. That is why we have these ordinances in place.

A motion was made by John Kiepura and seconded by Jeff Bunge to send an unfavorable recommendation to the Town Council based on the hearing and reading of the minutes for the primary reason of parking and to include the findings of fact.

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

New Business:

1. David MacLean – Developmental Variance

Owner: Leo Koerzendoerfer, 1821 Stanton, Whiting, IN 46394
Petitioner: David MacLean, 133 W. Lakeview Dr., Lowell, IN 46356
Vicinity: 12917 Knight St., Cedar Lake, IN 46303
Legal Description: SHADES ADD. CEDAR LAKE PLAT AA ALL LOT'S 76 & 77, BL.2

Tax Key Number(s): 45-15-23-331-001.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 4: B: Front Yard: Each lot shall front on a dedicated and improved street. Each front yard in this Residential Zoning District shall extend across the full width of the zoning lot and lying between the lot line which fronts on a street on which the main entrance to said building exists. There shall be a front yard between the building line and the highway and street right-of-way lines as follows: 4) On all other streets, a distance of thirty (30) feet; E. Building Coverage: Not more than twenty-five percent (25%) of the area of the lot may be covered by buildings and/or structures; Section 5: B. Attached Garages: Attached garages on all new home permits shall have a minimum four hundred (400) square feet. Maximum attached garage size shall be eight hundred sixty-four (864) square feet.

This Developmental Variance is to allow the Petitioner to have lot coverage over twenty-five percent (25%), build a garage less than four hundred (400) sq. ft. with front yard setback on Knight St., of fifteen (15) feet and front yard setback on 129th St., of eight (8) feet

- a) Attorney to Review Legals: David Austgen stated the legals are in order, the proof of publication of notice of public hearing are in evidence, timely published, certified list of adjacent property owners are in evidence.
- b) Petitioner’s Comments: David MacLean, 133 W. Lakeview Dr., Lowell, IN 46356. Want to put up a house thirty foot by sixty foot (30’ x 60’), including garage. Main thing is so close to the road so a bigger back yard. In the process of trying to purchase lot next door. Original plans would not work on property, is in the process of drawing up new plans.
- c) Remonstrators: Jeff Nagel, 12923 Knight St., concerns for it being eight (8) feet off the road. Thinks it will hold the area down, instead of building it back up. Being on the corner will be a hazard.
- d) Building Department’s Comments: Tim Kubiak stated this is off of Hilltop, where there are a lot of houses close to the roadways. Been a lot of improvements in that area, but unfortunately those lots are platted in small lots. To maintain those setbacks and being on a corner lot is virtually impossible. Consistent with what is there. Cannot even pass a car on the road without getting into the ditch, very tight area. Concern with not having a plan.
- e) Board’s Discussion: Discussion on size of building. Jeremy Kuiper asked if he could present a plan by the July meeting. John Kiepura stated to look at the property and get the best fit for the house, and maybe be able to move it the eight (8) feet from the road.

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to defer to the July 14, 2016 meeting and to include the findings of fact.

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

2. Loretta DiBiase – Developmental Variance

Owner: Loretta DiBiase, 11011 W. 129th Ave., Cedar Lake, IN 46303
Petitioner: Loretta DiBiase, 11011 W. 129th Ave., Cedar Lake, IN 46303
Vicinity: 11011 W. 129th Ave., Cedar Lake, IN 46303

Legal Description: W. 146.2FT. OF E. 810.1FT. OF N. 298.3FT. OF NW SW 1AC. S.21 T.34 R.9
SUBJ. TO E ASEMENT

Tax Key Number(s): 45-15-21-301-005.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII-Accessory Regulations; Section 1: A: 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 24’ x 30’ garage with a three (3) foot east side yard and less than ten (10) feet between structures

- a) Attorney to Review Legals: David Austgen stated the legals are all in order, public hearing notices have been timely published and the certified list of adjacent property owners is in evidence.
- b) Petitioner’s Comments: Loretta DiBiase, looking for a variance to put up a garage that will fit on the property I own. Will have poured walls that will be five (5) feet into the hill. With space available short three (3) feet to keep ten (10) foot setback. The further west she goes, the deeper she has to go.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated the further back you go, the further it goes up the hill. She has an opportunity to maybe attach a garage to her house and maintain the setbacks.
- e) Board’s Discussion: Discussion of different locations to possibly put the garage. Sewer runs on other side of property. Wetlands portion is on the east side. Jeff Bunge stated it would be possible to maintain the ten (10) foot separation if a three (3) foot side yard.

A motion was made by Jeff Bunge and seconded by John Kiepura to approve the Developmental Variance as presented with a nine and a half foot (9 ½) separation between structures and a three (3) foot side yard and to include findings of fact.

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

3. David & Jennifer Brouillette – Developmental Variance

Owner: David & Jennifer Brouillette, 9725 W. 150th Ct., Cedar Lake, IN 46303
Petitioner: David & Jennifer Brouillette, 9725 W. 150th Ct., Cedar Lake, IN 46303
Vicinity: 9725 W. 150th Ct., Cedar Lake, IN 46303
Legal Description: Lynnsway Unit 3 Lot 143

Tax Key Number(s): 45-19-04-230-016.000-057

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIV-Swimming Pool; Section 3: Location: No swimming pool shall be located at a distance of less than ten (10) feet from any side or rear property line, or building line, or any other location where a “structure” is prohibited. **and** Title XXI-Fence Regulations; Section 1: A. 1) No fence shall be located in the front yard. **and** Title XXIII-Accessory Regulations; Section 1: A: 4) No accessory building shall be allowed in the front yard of any residential lot; 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 have a pool with eight foot (8’) setback, six foot (6’) wood fence and shed in the front yard with a two (2’) foot side yard setback

- a) Attorney to Review Legals: David Austgen stated all legals are in order. The notice of public hearing, the advertisements have been published timely for the public hearing to be conducted. The certified list of adjacent property owners is in evidence. May proceed.
- b) Petitioner’s Comments: Jennifer Brouillette, would like to have a six (6) foot fence, shed seven and a half x eight (7 ½’ x 8’) feet wanted to put in left corner, didn’t have enough space so put it on the east side and a swimming pool in future maybe Twelve x twenty-four feet (12’ x 24’) oval.
- c) Remonstrators: Chris Rush, 9807 W. 150th Ct., good with it.
- d) Building Department’s Comments: Tim Kubiak asked what kind of shed, likes to maintain those six (6) foot side yards, these small resin sheds are less of a concern. He asked if they wanted the fence put past the easement. Can put pool and shed right on the rear easement. Then can maintain setbacks. Need variance to put in front yard.
- e) Board’s Discussion: Jeremy Kuiper stated by moving the fence, we can move pool and accessory building to meet our setback requirements, but still need a variance

for what is considered a front yard. Discussion about where to move the items and setbacks.

A motion was made by Jeff Bunge and seconded by Jerry Wilkening to grant the Developmental Variance with an eight (8) foot setback between the pool and the house and allow accessory building, fence and pool in front yard and to include the findings of fact.

Eric Olson	Jerry Wilkening	John Kieपुरa	Jeff Bunge	Jeremy Kuiper	Vote
Absent	Yes	Yes	Yes	Yes	4

4. Cristy Trzeciak – Developmental Variance

Owner: Cristy Trzeciak, 10011 W. 128th Lane, Cedar Lake, IN 46303
Petitioner: Cristy Trzeciak, 10011 W. 128th Lane, Cedar Lake, IN 46303
Vicinity: 10011 W. 128th Lane, Cedar Lake, IN 46303
Legal Description: Monastery Woods Phase 1 Lot 4

Tax Key Number(s): 45-15-21-258-004.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI-Fence Regulations: Section 1: A. 1) No fence shall be located in the front yard

This Developmental Variance is to allow the Petitioner to have a six foot cedar fence in the front yard

- a) Attorney to Review Legals: David Austgen stated the public hearing notices are in order, timely published. The certified mailing list of adjacent property owners is in evidence. Public hearing may be conducted.
- b) Petitioner’s Comments: Cristy Trzeciak stated she wants to put a six (6) foot cedar fence in backyard, which is considered as having a second front yard.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated this is the famous Monastery North fence line, what we have allowed on the previous fences is the fence on the twenty (20) foot line from their rear property line, which included that five (5) foot no access easement and the fifteen (15) foot utility and drainage easement due to the landscape berm.
- e) Board’s Discussion: Board stated this seems consistent with area. Discussion of access to utility easement.

A motion was made by Jeff Bunge and seconded by John Kieपुरa to grant the Developmental Variance as requested and to include the findings of fact.

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

5. David McDaniel – Developmental Variance

Owner: David McDaniel, PO Box 711, Cedar Lake, IN 46303
Petitioner: David McDaniel, PO Box 711, Cedar Lake, IN 46303
Vicinity: 7129 Vermillion, Cedar Lake, IN 46303
Legal Description: Pt. NE.1/4 NW.1/4 S.23 T.34 R.9 (88x232ft) 0.468Ac

Tax Key Number(s): 45-15-23-132-005.000-043

Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XXIII-Accessory Regulations; Section 1: 2) Lot size of 15,001-1.0 acre; Maximum Size 1,000 sq. ft; Height 14’; 4) No accessory buildings shall be allowed in the front yard of any residential lot; 7) Metal and Post Buildings: Metal and post building types of construction shall not be permitted in this Residential Zoning District as a Primary or Accessory use. Any accessory building greater than one (1,001) square feet in size be exempt from this provision. **and** Title XXIV-Swimming Pool; Section 3: Location: No swimming pool shall be located at a distance of less than ten (10) feet from any side or rear property line, or building line, or any other location where a “structure” is prohibited

This Developmental Variance is to allow the Petitioner to build a metal post frame building in what is considered a front yard with a nineteen (19) foot set back and 1,526 sq. footage, 18’ height; bathroom and pool in what is considered a front yard with a nineteen (19) foot set back

- a) Attorney to Review Legals: David Austgen stated the legals are in order, the public hearing notices have been published in the Times and Post, certified list of adjacent property owners is in evidence.

- b) Petitioner’s Comments: David McDaniel, the building will serve as a garage and man cave, with bathroom to be used for the pool.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated he is in a remote area, the front yard being on Morse St., the other side of the property is a driveway that goes back to two (2) properties. Along the sanitary sewer. He has a large backyard, the pole building is not allowed on property under one (1) acre.
- e) Board’s Discussion: David Austgen asked if the parcel is platted. Does not see any lot delineations. Because of meets and bounds, should be a subdivision. David Austgen also asked if Parcel one (1) and Parcel two (2) is that his split of the parcel for purposes of improvements. He is without a subdivision, combining two (2) keys into one (1) key is not the act of subdividing. The act of subdividing is a plat through the plan commission approval process. Discussion about what process to take ensued. Tim Kubiak stated he didn’t think the Plan Commission would have any issue with making this a legal lot. David Austgen stated storm drainage would have to be looked at or waived, the setback on Morse Street side yes, the number of accessory structures. Tim Kubiak stated there would only be one (1) accessory structure, just over one thousand (1,000) square feet. David Austgen asked if he went for the plat would he still need the variances. David Austgen suggested to the board that they act to approve these variance requests subject to platting of the parcel into a 1-lot subdivision. Concerns with this not being a liveable accessory building, summer building only, water shut off in winter. Discussion on size of building and setbacks.

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the Developmental Variance subject to one (1) lot subdivision and occupancy with held until such items are figured out, sixteen (16) foot height, thirty foot x forty foot (30’ x 40’) metal building post frame building with an eight (8) foot cover, a thirteen foot x twenty-seven foot (13’ x 27’) pool and maintain a minimum twenty (20) foot side yard setbacks for both the pool and building and to include the findings of fact.

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

6. Chris & Christy Rush – Developmental Variance

Owner: Chris & Chrissy Rush, 9807 W. 150th Ct., Cedar Lake, IN 46303
Petitioner: Chris & Chrissy Rush, 9807 W. 150th Ct., Cedar Lake, IN 46303
Vicinity: 9807 W. 150th Ct., Cedar Lake, IN 46303
Legal Description: Lynnsway Unit 3 Lot 142

Tax Key Number(s): 45-19-04-230-015.000-057

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI-Fence Regulations; Section 1: A. 1) No fence shall be located in the front yard. **and** Title XXIII-Accessory Regulations; Section 1: A: 4) No accessory building shall be allowed in the front yard of any residential lot; 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 a fence in the front yard with 0’ setback off 151st Avenue and build a shed in the front yard with a three (3) foot side yard setback

- a) Attorney to Review Legals: David Austgen stated the public hearing notices have been properly published and timely. The certified lists of adjacent property owners is in evidence. Public hearing may ensue.
- b) Petitioner’s Comments: Chris Rush, just want to do a six (6) foot fence. Going to build a ten foot x twelve foot (10’x12’) shed. Trying to keep shed out of easement, it is ten (10) feet from house the three feet from house so it is not blocking the window.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated he would like to see the six (6) foot side yard maintained.
- e) Board’s Discussion: Discussion ensued about size of shed. Need variance for shed and fence in front yard. Can keep six (6) foot setback.

A motion was made by Jeff Bunge and seconded by John Kiepura to approve the development variance to allow the petitioner to build a fence in the front yard a with 0’ setback off 151st Avenue and also build a shed in the front yard, but to maintain the six (6) foot side yard setback and to include the findings of fact.

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

7. Monastery Woods – Developmental Variance

- Owner: Monastery Woods Development, LLC, c/o Richard E. Anderson, 9211 Broadway, Merrillville, IN 46410
- Petitioner: Monastery Woods Development, LLC, c/o Richard E. Anderson, 9211 Broadway, Merrillville, IN 46410
- Vicinity: 10035A W. 130th Ln., Cedar Lake, IN 46303
10035B W. 130th Ln., Cedar Lake, IN 46303
10035C W. 130th Ln., Cedar Lake, IN 46303
10035D W. 130th Ln., Cedar Lake, IN 46303
13040C Grasselli St., Cedar Lake, IN 46303
13044 Grasselli St., Cedar Lake, IN 46303
13040 Grasselli St., Cedar Lake, IN 46303
- Legal Description: Monastery Woods Phase 2 Pt of Lot 293 (10035-A) W. 130th Ln) Ex. W'ly 10ft and
Monastery Woods, Phase 2 Pt of Lot 293 (10035-B) W. 130th Ln) and
Monastery Woods, Phase 2 Pt of Lot 293 (10035-C) W. 130th Ln) and
Monastery Woods, Phase 2 Pt of Lot 293 (10035-D) W. 130th Ln) and
Monastery Woods Phase 2 S.30.0ft of Lot 294 and
Monastery Woods Cottage Homes Lot 1 and
Monastery Woods Cottage Homes Lot 2 and
- Tax Key Number(s): 45-15-21-401-041.000-014 and 45-15-21-401-042.000-014
45-15-21-401-043.000-014 and 45-15-21-401-044.000-014
45-15-21-401-040.000-014 and 45-15-21-406-018.000-014
45-15-21-406-017.000-014
- 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 which states, "Minimum Lot Area and Width: A lot area of not less than ten thousand (10,000) square feet, and a lot width of not less than ninety (90) feet at the building line shall be provided every building or other structure erected or used for any other use permitted in this district, and D. Rear yard: there shall be a rear yard on not less than twenty-five percent (25%) of the depth of the lot, and C. Side yard: 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
- This Developmental Variance is to reduce minimum lot area from 10,000 sq. feet to 6,200 sq.feet, reduce lot width of 90 feet at the building line to 50 feet, increase lot coverage from 25% to 35%, reduce side yards from 8 feet to 5 feet, and leave rear set back the same as platted – 30 feet instead of 25% of lot depth***
- a) Attorney to Review Legals: David Austgen stated the certified list of adjacent property owners is in evidence and notice has been given of public hearing. Any action taken tonight should be subject to verification of publication.
- b) Petitioner's Comments: Mike Anderson, on behalf of Monastery Woods Development, LLC. We are talking about Monastery Woods Phase 2, Lot 293 and part of Lot 294 and Monastery Woods Cottage Homes, Lot 1 and Lot 2. Was recently rezoned to R-2 from R-M. In order to accommodate cottage homes instead of the town homes that were originally planned. Tonight the client is to reduce the minimum lot area to 6,200 sq. ft., to reduce the lot width to fifty feet (50 ft.), increase the coverage to thirty-five percent (35%), reduce the side yards to five (5) feet. The square footage of the homes will range between 1,550 to 1,725 square feet. With a cost between \$200,000 to \$275,000. The reason for the change in the development, town homes have been difficult to market and the cottage homes are much easier to sell.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated all these requests are the exact same requests as all the other lots. Once this makes it through the process they will be required to bring new mylars. These are the last ones continuous with the cottage homes.
- e) Board's Discussion: Clarifications of the lots was discussed. This is consistent with what has been done in the past.

A motion was made by John Kiepora and seconded by Jerry Wilkening to approve the Developmental Variances as presented reduce minimum lot area from 10,000 sq. feet to 6,200 sq.feet, reduce lot width of 90 feet at the building line to 50 feet, increase lot coverage from 25% to 35%, reduce side yards from 8 feet to 5 feet, and leave rear set back the same as platted – 30 feet instead of 25% of lot depth subject to verification of publications and to include the findings of fact.

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

Public Comment: None

Adjournment: Time: 10:29 p.m.

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

Eric Olson

Jeff Bunge, Vice Chairman

Jerry Wilkening

Jeremy Kuiper, Chairman

John Kiepura

Attest: Tammy Bilgri, Recording Secretary

The Town of Cedar Lake is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, please contact the Town Hall at (219) 374-7400.