



**TOWN OF CEDAR LAKE  
BOARD OF ZONING APPEALS  
PUBLIC MEETING MINUTES  
OCTOBER 13, 2016 7:00 P.M.**

Call to Order (Time): 7:17 p.m.  
Pledge to Flag:  
Roll Call:

Present Eric Olson  
Present Jerry Wilkening  
Present John Kiepura  
Absent Jeff Bunge  
Absent Jeremy Kuiper

Present David Austgen, Town Attorney  
Present Tim Kubiak, Director of Operations  
  
Present Tammy Bilgri, Recording Secretary

**Minutes:**

A motion was made by John Kiepura and seconded by Eric Olson to approve the September 8, 2016 Public Meeting minutes as presented. Vote 3-0

**Old Business:**

**1. Keith Piszro – Developmental Variance/Use Variance**

Owner: Keith Piszro, 13485 W. 117th, Cedar Lake, IN 46303  
Petitioner: Keith Piszro, 13485 W. 117th, Cedar Lake, IN 46303  
Vicinity: 111 Broadway, Cedar Lake, IN 46303  
Legal Description: Pt. NE.1/4 NE.1/4 S.28 T.34 R.9 (93x185ft) 0.395Ac  
Tax Key Number(s): 45-15-28-228-008.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI – Fence Regulations, Section 2: B. 1) Maximum height shall be three (3) feet; 2) No fence shall be allowed between the right-of-way and the front setback line in commercial areas served by sidewalks

***This Developmental Variance is to allow the Petitioner to have a fence in the front yard with a height of four (4) feet***

**Deferred to November 10, 2016 Public Meeting**

- a) Attorney to Review Legals:
- b) Petitioner's Comments:
- c) Remonstrators:
- d) Building Department's Comments:
- e) Board's Discussion:
- f) Board's Decision:

Motion: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_

Eric Olson	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XII – Neighborhood Business, 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 for outdoor dining.***

- a) Attorney to Review Legals:
- b) Petitioner's Comments:
- c) Remonstrators:
- d) Building Department's Comments:
- e) Board's Discussion:
- f) Recommendation to Town Council:

Motion: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_

Eric Olson	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote

## 2. Michelle Spohn – Developmental Variance

Owner: Michelle Spohn, 8712 W. 139<sup>th</sup> Pl., Cedar Lake, IN 46303  
 Petitioner: Michelle Spohn, 8712 W. 139<sup>th</sup> Pl., Cedar Lake, IN 46303  
 Vicinity: 8712 W. 139<sup>th</sup> Pl., Cedar Lake, IN 46303  
 Legal Description: LAKE SHORE ADD. LOTS 5 & 6 BL.1  
 Tax Key Number(s): 45-15-27-451-006.000-014

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 build a six (6) ft. wood fence in the front yard***

**Deferred from August 11, 2016 Public Meeting**  
**Deferred to December 8, 2016 Public Meeting**

- a) Attorney to Review Legals:
- b) Petitioner's Comments:
- c) Remonstrators:
- d) Building Department's Comments:
- e) Board's Discussion:
- f) Board's Decision:

Motion: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_

Eric Olson	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote

## 3. Telamon – Use Variance

Owner: Hanover Community School Corp., 9520 W. 133rd Ave., Cedar Lake, IN 46303  
 Petitioner: Telamon/GES, 1000 E. 116<sup>th</sup> St., Carmel, IN 46032  
 Vicinity: 10120 W. 133<sup>rd</sup> 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 Use Variance from Zoning Ordinance No. 496, Title VI Agriculture (A) Zoning District

***This Use Variance is to allow the Petitioner to build a 200kw solar system on the east side of high school property within the dry retention pond area***

**Deferred from September 8, 2016 Public Meeting**

- a) Attorney to Review Legals: David Austgen stated the legals were reviewed September 8, 2016 and deemed appropriate and this matter was deferred.
- b) Petitioner's Comments: Bruce Breeden, Vice President of Energy Solutions, Telamon Corporation, the school corporation is considering entering into a contract with NIPSCO and with the Telamon Corporation to install a 200kw DC system. Have meet with the Plan Commission twice and with the engineer, Don Oliphant. Have moved the array as far north as can, also concerns with electrical equipment being inside the retention pond, have moved that outside to the northwest corner. Several questions if solar panels can be seen from 133<sup>rd</sup>. Mr. Breeden presented many options on visibility from 133<sup>rd</sup>. May be able to see the back of the panels from the 2<sup>nd</sup> story of apartments. The national electric code requires a fence to be built around any solar panels. There is an alternative, it is a solar scrim, the bottom will cover all the wiring and this will satisfy the national electric code 690.31 and no fencing will be in the dry retention pond. Takes twelve weeks to complete project.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak he has answered our questions we had to eyesight. It is a new thing in town, it is in a good location as far as an eyesore. Unique situation.
- e) Board's Discussion: John Kiepura thinks it is a good idea. Jerry Wilkening had concerns with NIPSCO needing an easement. Discussion ensued on how the panels will work. Mr. Breeden stated they have not been required to have an easement on previous projects.

A motion was made by John Kiepura and seconded by Eric Olson to send a favorable recommendation to the Town Council contingent site plan approval by Plan Commission and if an easement is required to be in place for approval and to include the findings of fact.

Eric Olson	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Absent	Absent	3-0

### **New Business:**

#### **1. Brian & Kelly Seitzinger – Developmental Variance**

Owner: Brian & Kelly Seitzinger, 8204 W. 126<sup>th</sup> Pl., Cedar Lake, IN 46303  
 Petitioner: Brian & Kelly Seitzinger, 8204 W. 126<sup>th</sup> Pl., Cedar Lake, IN 46303  
 Vicinity: 8204 W. 126<sup>th</sup> Pl., Cedar Lake, IN 46303  
 Legal Description: PT. OF S.15AC. OF N.38AC.E2.NE. 196X225 FT. S.22 T.34 R.9 1  
 Tax Key Number(s): 45-15-22-228-009.000-014

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

***This Developmental Variance is to allow the Petitioner to have a fence in the front yard***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Brian Seitzinger, proposing a cedar privacy fence along Maple Street. Will fence in porch area, eleven (11) feet by ninety (90) feet down side of property, ninety-six (96) to the back, by seventy-six (76) by twenty-eight (28). Will be two (2) five (5) foot fences one toward Maple Street, a six (6) foot gate toward the back of the property and another eight (8) foot double gate on other side of property. Wants the five (5) in case he decides to do a pool in the future.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated no issues with this.
- e) Board's Discussion: None

A motion was made John Kiepura and seconded by Eric Olson to approve the Developmental Variance as presented with a five (5) foot fence eleven (11) feet off the house and to include the findings of fact.

Eric Olson	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Absent	Absent	3-0

#### **2. B & D Regional Builders – Developmental Variance**

Owner: Charmaine Gleason, 7228 W. 136<sup>th</sup> Ct., Cedar Lake, IN 46303  
 Petitioner: B&D Regional Builders, LLC, PO Box 1274, Crown Point, IN 46308  
 Vicinity: 7228 W. 136<sup>th</sup> Ct., Cedar Lake, IN 46303  
 Legal Description: HAAS 1ST LAKESIDE ADD. L.1 BL.A ALL L.2 BL.A ALL L.3 BL.A  
 Tax Key Number(s): 45-15-26-184-049.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District; Section 4: C. Side Yard: On each lot, except as otherwise specified, 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; 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 build a garage with a side yard setback of four (4) ft. and building coverage of less than twenty-five percent (25%)***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and public hearing may be conducted. A letter in the file from a Robert J. Parker, of 7413 136<sup>th</sup> Ln., letter of October 9. I am unable to attend the public hearing scheduled for October 13, 2016 in person. However this letter is in response to the hearing notice I have received in the mail. I am in favor of Charmaine Gleason's variance request to build a garage at 7228 W. 136<sup>th</sup> Ct. Mrs. Gleason has been an exceptional neighbor and member of our community.

- b) Petitioner's Comments: Derek Gleason, Officer with B&D Regional Builders. Would like to put up a garage. Unfortunately she does not have the lot width. Right now there is a driveway, approximately twenty-six/twenty-four (26/24) feet off the road. Will actually pour another four (4) feet of apron, will be about thirty-two (32) feet off the road, need to deal with a four (4) foot side yard. Will match the home. Small deck off the master bedroom that will be five and half feet (5 ½) off of that. A sidewalk in between about three and half (3½) feet. Over lot coverage.
- c) Remonstrators: Carol Salamonski, owns the vacant property. Confused as to why received letter, concern with are they building on her property.
- d) Building Department's Comments: Tim Kubiak stated just to clarify accessory buildings are six (6) foot off the property line. They are not over sized with the garage, still five foot seven (5'7") away from the deck and ten feet away from the house. Consistent with everything in that neighborhood. This is actually set back further than anything along there.
- e) Board's Discussion: John Kiepura asked for clarification on if a deck is considered a structure. Michelle Bakker answered it is.

A motion was made by John Kiepura and seconded by Eric Olson to approve the developmental variance as requested and to include findings of fact.

Eric Olson	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Absent	Absent	3-0

3. Don Frey – Developmental 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 XXIII: Accessory Regulations; Section 1: A. 4) No accessory buildings 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 minimum ten (10) foot separation or distance from all other buildings.

***This Developmental Variance is to allow the Petitioner to have a shed in the front yard less than ten (10) feet from the building***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Don Frey, 332 E. 125<sup>th</sup> Pl., Crown Point. When bought property there were two (2) sheds in the back, one was ok, the other was knocked down. Replaced the shed and did not get a permit. When I found out, I applied for the variance. Placed in that spot because most efficient use of parking lot and out of the way.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated does not like the shed in its current location, in front of building, would like to see shed in back of building, not next to the road.
- e) Board's Discussion: Discussion on location and size of old shed and new shed. Jerry Wilkening asked questions about property lines and the road. John Kiepura thinks need to find a better spot, should not be two (2) feet away from building. If he moves it back to where the old shed was located he will not need a variance.

A motion was made by John Kiepura and seconded by Eric Olson to deny this Developmental Variance.

Eric Olson	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Absent	Absent	3-0

4. Bruce & Vivien Jobb – Developmental Variance

Owner: Bruce & Vivien Jobb, 13701 Lauerma, Unit 69, Cedar Lake, IN 46303  
Petitioner: Bruce & Vivien Jobb, 13701 Lauerma, Unit 69, Cedar Lake, IN 46303  
Vicinity: 13701 Lauerma, 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 add a roof over an existing porch***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner’s Comments: Bruce Jobb, looking to do a new deck with a roof using the footprint of the old deck. Trying to improve the property.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated Mr. Jobb has been here before for a room addition and was denied because of blocking the view. This is not going to make any obstructions to the view. He was also coming closer to the road. The current house is only thirteen (13) feet from road. Was a substantial change so we allowed him to come back. Consistent with the conference grounds.
- e) Board’s Discussion: John Kiepura stated if he is rebuilding he is still too close to the road. Discussion on location ensued.

A motion was made by John Kiepura and seconded by Eric Olson to approve the Developmental Variance with a six (6) foot front yard setback and to include the findings of fact.

Eric Olson	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Absent	Absent	3-0

**Public Comment:** None

**Adjournment:** Time: 8:41 p.m.

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

\_\_\_\_\_  
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

\_\_\_\_\_  
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.*