



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

Call to Order (Time): 7:00 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

Others Present: Michelle Bakker, Building Administrator, Robert Carnahan, Town Council, Daniel Ford, Town Attorney

Minutes:

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the October 13, 2016 Public Meeting minutes as presented. Roll Call Vote: 4-0

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: None
- b) Petitioner's Comments: None
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated we have not received the design plans for Broadway, so told him we would ask to defer this.
- e) Board's Discussion: None
- f) Board's Decision: None

A motion was made by Jeff Bunge and seconded by Jerry Wilkening to defer this item for sixty (60) days to the January 12, 2017 Public Meeting.

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

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 nd : _____			
Eric Olson	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote

2. Michelle Spohn – Developmental Variance

Owner: Michelle Spohn, 8712 W. 139th Pl., Cedar Lake, IN 46303
Petitioner: Michelle Spohn, 8712 W. 139th Pl., Cedar Lake, IN 46303
Vicinity: 8712 W. 139th 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 nd : _____			
Eric Olson	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote

New Business:

1. Cedar Lake Early Learning Academy – Use Variance

Owner: Henn & Sons, 13733 Wicker Ave., Cedar Lake, IN 46303
Petitioner: Cedar Lake Early Learning Academy, 13115 Wicker Ave., Cedar Lake, IN 46303
Vicinity: 13115 Wicker Ave., Cedar Lake, IN 46303
Legal Description: PT. W2 W2 SW SW S.21 T.34 R.9 2.718 AC.
249.7X297.37X117.7X156X 132X453.37FT.
Tax Key Number(s): 45-15-21-351-001.000-014

Request: Petitioner is requesting a Use Variance from Zoning Ordinance No. 496, Title XIII-Community Business (B-2) Zoning District

This Use Variance is to allow the Petitioner to operate a child care center with outdoor playground area

- a) Attorney to Review Legals: David Austgen stated the newspaper publication stated Developmental Variance, this is a Use Variance, the body states it as a Use Variance, the certified mailings and adjacent property owners are in order.

A motion was made by John Kiepura and seconded by Jerry Wilkening to waive the informality of the erroneous Developmental Variance description given the body of the notice is accurate.

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

- b) Petitioner’s Comments: Clarissa Regula, 540 Dakota Dr., Lowell, IN 46356. Planning to open a child development center to serve infants and toddlers through age 5. Based on licensing hope to serve close to sixty (60) children. Make infants and toddlers their focus.
- c) Remonstrators: None

- d) Building Department's Comments: Tim Kubiak has concerns with the site plan and blocking off the access to the rear of the building. Questions on size of playground and if fire trucks could get around to back.
- e) Board's Discussion: Discussion on fire access and playground. Also need to see more plans after get state release. Will be handled through permitting process. The Board would like this to be reviewed by Public Safety.

A motion was made by Jeff Bunge and seconded by Jerry Wilkening to send a favorable recommendation to the Town Council for the Variance of Use for the Child Care Center, with the playground area and safety concerns being in place and with recommendation from Public Safety Department on where they would like the fences to be, recommend 2360 sq. ft. for a dedicated playground area 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. Heather Hollister – Developmental Variance

Owner: Heather Hollister, 10215 W. 128th Ln., Cedar Lake, IN 46303
 Petitioner: Heather Hollister, 10215 W. 128th Ln., Cedar Lake, IN 46303
 Vicinity: 10215 W. 128th Ln., Cedar Lake, IN 46303
 Legal Description: Monastery Woods Phase 1 Lot 12
 Tax Key Number(s): 45-15-21-251-018.000-014

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 build a six (6) ft. pvc fence in a front yard on a through lot twenty-five (25) ft. from 129th Avenue

- a) Attorney to Review Legals: David Austgen stated the legals are in order a public hearing may be held. Wants to put up a six (6) ft. pvc privacy fence in what most people consider a back yard.
- b) Petitioner's Comments: Heather Hollister, 10215 W. 128th Ln., Cedar Lake.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated this is Monastery North Subdivision, proposing to put her fence twenty (20) foot north of the property line which is consistent with the rest of the properties along that road.
- e) Board's Discussion: None

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the Developmental Variance as presented 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

3. Scott Zajac, Schilling Development – 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, 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 1: A. 5. Signs which are illuminated in such a way as to cast unreasonable light or shadows upon neighboring properties or buildings; Section 3: A. 1. No more than two (2) on-premise signs shall be allowed on a zoning lot; 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

This Developmental Variance is to allow the Petitioner to have a third sign that is double sided and with illuminated LED panels and 348 sq. ft.

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner’s Comments: Scott Zajac, LBM, LLC., would like to put a pylon sign in front of the distribution center on 133rd. Would be lit at night, can adjust the brightness.
- c) Remonstrators: Robert H. Carnahan, 12850 Fairbanks St., Cedar Lake, has no problem with the sign, the Schillings put a business in an empty building and have done nothing but beautification to that building and area.
- d) Building Department’s Comments: Tim Kubiak stated it is a fairly large sign, for a really large building. They have the entire parcel on 133rd to place the sign. Only concerns would be restrictions on the LED digital sign about timing and brightness.
- e) Board’s Discussion: Jeremy Kuiper explained restrictions on digital signs, no flashing to mimic emergency vehicle, dimming at night, messages on for six (6) seconds, no scrolling. Jerry Wilkening expressed concerns with how bright the sign would be at night. Discussion on size of sign ensued.

A motion was made by Jerry Wilkening and seconded by John Kiepura as presented contingent no scrolling messages, no flashing mimicking emergency vehicles, six (6) second message, dim at night and to include the findings of fact.

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

4. A-1 Affordable Sign & Neon Co., Inc. – Developmental Variance

Owner: Tom Tylka, 122 Birch Dr., Schererville, IN 46375
Petitioner: A-1 Affordable Sign & Neon Co., Inc., 534 Conkey St., Hammond, IN 46324
Vicinity: 11009 W. 133rd Ave., Cedar Lake, IN 46303
Legal Description: Schutz Add Lots 1 & 2 & W.6ft of Vac. Schneider St Ex. Pt. of N. 35ft. in R/W & Pt. NW.1/4 NW.1/4 S.28 T.34 R.9 Ex. N.35ft in R/W 1.06 Tot. Ac
Tax Key Number(s): 45-15-28-101-015.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXII Sign Regulations; Section 3: A. 1. No more than two (2) on-premise signs shall be allowed on a zoning lot; c. The maximum sign sizes shall not exceed: ii. In the case of twon (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; 4. No portions of any sign which shall include permanent or temporary signs shall be placed within ten (10) feet of a right-of-way of any street or highway or located so as to project into same

This Developmental Variance is to allow the Petitioner to have a total of six (6) signs on free standing sign and building exceeding square footage and setback of less than ten feet (10')

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner’s Comments: Andy Tylka, 2735 Squire Ct., Dyer. Looking to repurposing the sign that is there. On Rt. 41, they had one can with two (2) separate signs on it, Bobb Auto Group and then everything they sold. Had two (2) signs on building and on 133rd had two (2) signs. Have a variance to have two (2) business in the building. Enterprise and Tom & Ed’s Autobody will be in the building. Enterprise mandates they do a 1 to 5 ratio with their sign. The Rt. 41 sign the original was to repurpose the existing 8 x 10 then putting an additional sign under it for Enterprise, we think it would look nicer if we did one larger 10 x 10 with Enterprise on the bottom and us on the top. The signs on 133rd were taken down during construction, we don’t really need them, just want it documented they were there.
- c) Remonstrators: Marcia Ferrara, 13311 Schneider St., Cedar Lake, concerns with vision being blocked on 133rd. Tim Kubiak stated there will be no signs on 133rd, just on the building.
- d) Building Department’s Comments: Tim Kubiak stated his concern with the existing signs being directly under the power lines.
- e) Board’s Discussion: Jeremy Kuiper suggested leaving the existing signs out of the plan right now and coming back if they decide to use them in the future. Discussion on stipulations for sign, no scrolling messages, dim at night, no flashing to mimic emergency vehicles, and six (6) second messages. Also this would be clarified that it would only be four signs, since not using two signs on 133rd. Will need to come back for another variance if wants to add signs on 133rd.

A motion by John Kiepura and seconded by Jeff Bunge to approve the Developmental Variance to allow the petitioner to have a total of (4) signs, being a 10 x 10 on Rt. 41, the existing LED electronic, Enterprise sign and Tom & Ed’s sign on the building front with stipulations of no scrolling messages, no flashing that would mimic emergency vehicles, dimming messages at night and minimum of six (6) second messages 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

5. Nick Traficanti – Developmental Variance

Owner: Nick Traficanti, 7030 W. 128th Pl., Cedar Lake, IN 46303
Petitioner: Nick Traficanti, 7030 W. 128th Pl., Cedar Lake, IN 46303
Vicinity: 7030 W. 128th Pl., Cedar Lake, IN 46303
Legal Description: Highgrove BL.6 Lots 15,16,17,18 & 19
Tax Key Number(s): 45-15-23-261-005.000-043

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

This Developmental Variance is to allow the Petitioner to build a deck in the front yard with a setback of twenty (20) ft

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be held. David Austgen asked Mrs. Dobbler if she had a power of attorney to speak on Mr. Traficanti’s behalf.
- b) Petitioner’s Comments: Rosie Dobbler, 2901 E. 113th Ave., Crown Point, IN, trying to rebuild the front porch that was falling down.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated he is redoing the outside of the house and needs to rebuild the front porch. May be a little wider than existing. The house is only twenty-seven (27) feet off the front property line, so any front entry would need a variance.
- e) Board’s Discussion: Discussion on how Ms. Dobbler can get the power of attorney through Building Department ensued.

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the developmental variance as presented contingent upon receiving limited power of attorney 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. Robert Morgan – Developmental Variance

Owner: Jessica Morgan, 7107 W. 132nd Pl., Cedar Lake, IN 46303
Petitioner: Robert Morgan, 9099 Franklin, St. John, IN 46373
Vicinity: 7107 W. 132nd Pl., Cedar Lake, IN 46303
Legal Description: Shades Add Cedar Lake Plat BA BL.7 Lot 4 & E.30ft of Lot 5
Tax Key Number(s): 45-15-23-455-021.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII-Accessory Regulations Section 1: 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. **And** Title VIII-Residential (R-2) Zoning District; E. Building Coverage: Not more than twenty-five percent (25%) of the area of the lot may be covered by buildings and/or structures. **And** Title XXV-Non-Conforming Buildings, Uses & Lots Section 8: D. Recorded lots less than minimum area: Lots of record at the time of the enactment of this Ordinance, which have less than the minimum area requirements for Residential Zoning Districts may nevertheless be used for any use permitted therein, except that for dwellings, the lot must have a width of at least fifty (50) feet, and an area of at least five thousand (5,000) square feet

This Developmental Variance is to allow the Petitioner to build a garage with a five (5) ft. side yard setback, two (2) ft. setback from deck and lot coverage of approximately thirty-one percent (31%)

- a) Attorney to Review Legals: David Austgen stated the proofs of publication of the notice of the public hearing are in evidence, the green cards are not all back to notice of adjacent property owners, so any action should be contingent on receipt of the green card return receipts and the the mailing slips, may conduct the hearing on those conditions.
- b) Petitioner's Comments: Robert Morgan, 9099 Franklin Dr., St. John, IN. Mr. Morgan presented the mailing slips. Wants a garage, but because the size of the lot need a variance.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated this is an area where everything is close to the street and small lots. A couple of issues with the yard grading. Take into consideration adjoining property owners and the elevation of the building. Would like to see back yard cleaned up and seeded with the project. Want existing things taken care of before starting something new.
- e) Board's Discussion: Discussion on the elevation and location on the lot ensued.

A motion was made by Jeff Bunge and seconded by Jerry Wilkening to approve the developmental variance as requested contingent upon the rear yard be graded and seeded prior to 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

7. Donald Kors – Developmental Variance

Owner: Donald E. Kors, 14507 Morse St., Cedar Lake, IN 46303
 Petitioner: Donald E. Kors, 14507 Morse St., Cedar Lake, IN 46303
 Vicinity: 14507 Morse St., Cedar Lake, IN 46303
 Legal Description: Shades Add. Cedar Lake Plat D BL.2 lots 1,2&14 **and** S. 56.5 FT. OF N.214.5 FT. OF W. 485FT. OF NW SE S.35 T.34 R.9 .63 AC. * **and** Shades Add. Cedar Lake Plat D BL.2 lots 1,2 & 25 to 28
 Tax Key Number(s): 45-15-35-403-001.000-043 **and** 45-15-35-401-005.000-043 **and** 45-15-35-404-013.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII-Accessory Regulations; Section 1: 2. Exterior wall height shall not exceed ten (10) feet from the finish floor surface; Maximum Accessory Height 15'

This Developmental Variance is to allow the Petitioner to build a detached garage with twelve foot six inch (12'6") walls and a height of eighteen (18) ft

- a) Attorney to Review Legals: David Austgen stated the newspaper publications are in order, list of adjacent owners is in evidence, only two green cards are present, any action should be conditioned upon getting the proof of mailing.
- b) Petitioner's Comments: Mr. & Mrs. Kors, 14507 Morse St., want to build a garage with 12'6" walls and 18 ft. height.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated they have 1.2 acres and want to put up an out building, would have been ok if went with 10 ft. walls.
- e) Board's Discussion: They are currently getting a one-lot subdivision at the Plan Commission and a Public Way Vacation. Jeff Bunge asked the reason for the 12ft. side walls, Mrs. Kors stated for a camper. Discussion on number of doors ensued.

A motion was made by Jerry Wilkening and seconded by John Kiepura to approve as presented and not to exceed 18 ft. and to include the finding of fact.

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

8. Ed Stover – Developmental Variance

Owner: Ed Stover, 5464 W. 101st St., Crown Point, IN 46307
 Petitioner: Central Coast Holdings, 5246 N. Damen, Chicago, IL 60625
 Vicinity: 13039 Polk St., Cedar Lake, IN 46303
 Legal Description: MEYER MANOR 4TH L.14 BL.1 ALL L.15 BL.1
 Tax Key Number(s): 45-15-22-406-015.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District; 4: D. Rear Yard: there shall be a rear yard on not less than twenty-five percent (25%) of the depth of the lot

This Developmental Variance is to allow the Petitioner to build a deck addition with a three (3) ft. rear yard setback

- a) Attorney to Review Legals: David Austgen stated the proof of publication in the newspapers are in evidence and they are in good order, the certified list of adjacent property owners is present, but do not have any green cards or white mailings.
- b) Petitioner's Comments: None
- c) Remonstrators: None
- d) Building Department's Comments: None
- e) Board's Discussion: None

A motion was made by John Kiepura and seconded by Jerry Wilkening to defer to the December 8, 2016 Public Meeting pending solicitation and mailings.

Roll Call Vote: 4-0

9. Mary L. Stallcup – Developmental Variance

Owner: Mary L. Stallcup, PO Box 4304, Medford, OR 97501
 Petitioner: Mary L. Stallcup, PO Box 4304, Medford, OR 97501
 Vicinity: 14618 Huseman St., Cedar Lake, IN 46303
 Legal Description: COFFIN'S 2ND SHADY BEACH EX. N. TRI PT. 6.3 FT. EASY LINE L.5 & PT. VAC. RR. R-W ADJ.
 Tax Key Number(s): 45-15-34-402-009.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XV-Planned Resort (RS) Zoning; Section 4: A. Every lot used for residential purposes shall be a minimum width at the building line of eighty (80) feet, and a minimum area of eight thousand (8,000) square feet; B. 4. All other streets, a distance of thirty (30) feet; D. 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

This Developmental Variance is to allow the Petitioner to build a new home with a front yard setback of sixteen ft. (16'), rear yard setback of eight ft. (8') and to exceed lot coverage

- a) Attorney to Review Legals: David Austgen stated the legals are in order, a public hearing may be conducted.
- b) Petitioner's Comments: Ernie Anderson, 2951 W. 203rd Ave., Lowell, IN. Want to take down existing home that is there and build a new house in the existing footprint, with porch facing the lake versus the road. It will be a one story home instead of a two story.
- c) Remonstrators: Bob Phillips, 14620 Huseman, does not have a problem with building, just concerns with getting more water then he does now. Tim Kubiak stated they will not alter any property lines or change any elevations. Bob Gross, 8505 W. 140th Ave., thinks it is a great improvement, Huseman does flood a lot and something needs to be done about it.
- d) Building Department's Comments: Tim Kubiak stated it is a nice improvement from what is there. It is hard to achieve putting a house back on that property without a variance because of the unique shape of the lot.
- e) Board's Discussion: John Kiepura asked since he is representing his aunt does he need a power of attorney, David Austgen stated yes he does. Discussion on easements in that and drainage issues ensued.

A motion was made by Jeff Bunge and seconded by Jerry Wilkening to approve the developmental variance as requested contingent upon receiving a limited power of attorney 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

10. Ryan Nolan – Developmental Variance

Owner: Ryan Nolan, 14026 Hobart St., Cedar Lake, IN 46303
Petitioner: Ryan Nolan, 14026 Hobart St., Cedar Lake, IN 46303
Vicinity: 14026 Hobart St., Cedar Lake, IN 46303
Legal Description: SHADES ADD. CEDAR LAKE PLAT A ALL L.20 BL.10
Tax Key Number(s): 45-15-26-483-032.000-043 **and** 45-15-26-483-034.000-043 **and** 45-15-26-483-033.000-043

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; D. Rear Yard: there shall be a rear yard on not less than twenty-five percent (25%) of the depth of the lot

This Developmental Variance is to allow the Petitioner to replace an addition with a side yard setback of six (6) ft. and a rear yard setback of eight (8) ft.

- a) Attorney to Review Legals: David Austgen stated the newspaper proof of publishing are in evidence and in good order, the certified list of adjacent property owners is in good order, does not appear that all the green cards have been returned, do have receipts.
- b) Petitioner’s Comments: Ryan Nolan, 14026 Hobart St, Cedar Lake, IN. Looking to use the old footprint of the house, it was in bad shape, best to tear it down. Were gas meter is would increase the setback to six feet. On the rear side looking to put an eight (8) feet setback, there was a shed against the house.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated Mr. Nolan started putting a new foundation under the existing house, then tore it down. Went to do a prepour footing inspection and seeing how close it was to the property line and that he was no longer putting a new foundation under it, he was rebuilding it. After talking with him recommended that he maintain that side yard he has currently and keep the six (6) feet side yard all the way down.
- e) Board’s Discussion: Discussion on maintaining side yard setback. Jerry Wilkening had concerns with lot coverage. Michelle Bakker stated it is good, can have 1,875 and he has 1,436.

A motion was made by Jeff Bunge and seconded by Jerry Wilkening to approve as requested contingent proof of mailings and to include the finding of fact.

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

11. Phillippe Builders/John Kryda – Developmental Variance

Owner: James & Jennifer Lublow, 10898 Swallow Tail Ln., Frankfort, IL 60423
Petitioner: Phillippe Builders/ c/o John Kryda, 3500 Union Ave., Steger, IL 60475
Vicinity: 14137 Soper St., Lot 11, Block 7, Cedar Lake, IN 46303
Legal Description: NOBLE OAKS PARK 2ND. ADD. ALL L.11 BL.7 & PT. VAC. RR. R/W ADJ. L.11 BL.7 & PT. OUT LOT A. BET R/W & LAKE
Tax Key Number(s): 45-15-34-211-027.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District; Section 4: B. Front Yard: On all other streets, a distance of thirty (30) feet; **and** 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** F. Corner Lots: The side yard setback shall be the same as the front yard setback. **And** Title XXV-Non-Conforming Buildings, Uses & Lots; Section 8: D. Recorded lots less than minimum area: Lots of record at the time of the enactment of this Ordinance, which have less than the minimum area requirements for Residential Zoning Districts may nevertheless be used for any use permitted therein, except that for dwellings, the lot must have a width of at least fifty (50) feet, and an area of at least five thousand (5,000) square feet

This Developmental Variance is to allow the Petitioner to build a new home on a lot of 47.5 ft width with a side yard setback of six (6) ft.

and a front yard setback of twenty-five (25) ft and six (6) ft. setback from ten (10) ft. public path

- a) Attorney to Review Legals: David Austgen stated the notices in the newspapers appear to be in good shape, certified list of adjoining orders is good, not all green cards are returned, do have receipts.
- b) Petitioner’s Comments: John Kryda, 4114 Hermits Ln., Crown Point. Want to knock down the old building and build a new home in basically the existing footprint.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated they are going to tear down the existing house and build a new one with similar setbacks. Very small lot. Nice improvement.
- e) Board’s Discussion: Jeff Bunge asked if existing fences are staying. Discussion ensued on where the public path ends.

A motion was made by Jerry Wilkening and seconded by John Kiepura to approve the developmental variance as presented, contingent of verification of mailings 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

12. Phillippe Builders/John Kryda – Developmental Variance

Owner: James & Jennifer Lublow, 10898 Swallow Tail Ln., Frankfort, IL 60423
Petitioner: Phillippe Builders/ c/o John Kryda, 3500 Union Ave., Steger, IL 60475
Vicinity: 14137 Soper St., Lot 11, Block 8, Cedar Lake, IN 46303
Legal Description: NOBLE OAKS PARK 2ND. ADD. L.11 BL.8
Tax Key Number(s): 45-15-34-209-019.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District; Section 4: B. Front Yard: 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 and building line and the highway and street right-of-way lines a follows: 4) On all other streets, a distance of thirty (30) feet; **and 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 per cent (20%) of the width of the lot; **and E. Building Coverage:** Not more than twenty-five per cent (25%) of the area of the lot may be covered by buildings and/or structures; **and F. Corner Lots:** The side yard setback shall be the same as the front yard setback. (Refer to Subsection B of this Section 4, front yard); **and Section 5: Attached Garages:** A. Building size (1,600) square feet for a two (2) story house. Minimum footprint for a two-story is eight hundred (800) square feet; **and B.** Attached garages on all new home permits shall have 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 build a 1256 sq. ft. two story house with footprint of 640 sq. ft. with attached garage of 1100 sq. ft and a fifteen (15) ft. front yard setback on a corner lot and to exceed lot coverage

- a) Attorney to Review Legals: David Austgen stated the newspaper publications and certified list of adjacent owners are good, the green cards are not all back. Any action should be contingent verification.
- b) Petitioner’s Comments: John Kyrda, 4114 Hermits Ln., Crown Point, IN. An odd corner lot, address on Soper Street and the garage entrance on 142nd. It will be essentially a guest apartment with a four car garage.
- c) Remonstrators: None
- d) Building Department’s Comments: Tim Kubiak stated this is a garage with an apartment/guest house above. They are improving the setbacks. Unique piece of property.
- e) Board’s Discussion: Discussion on what this would be used for, apartment rental or for guests. Jim Lublow 10898 Swallow Tail Ln., Frankfort, IL stated because of the design of the main house and no garage space, we just wanted to build a

garage. So we decided to go with a garage and guest house, it will not be rented out, mainly for garage space.

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the developmental variance as requested contingent upon verification of mailings 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: 9:44 p.m.

Press Session: Board of Zoning Appeals Meeting – December 8, 2016 at 7:00pm

Eric Olson

Jeff Bunge, Vice Chairman

Jerry Wilkening

Jeremy Kuiper, Chairman

John Kiepura

Attest: Tammy Bilgri, Recording Secretary

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