



**TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS
PUBLIC MEETING MINUTES
December 8, 2016 7:00 P.M.**

Call to Order (Time): 7:03 p.m.
Pledge to Flag:
Roll Call:

Present 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 John Kiepura and seconded by Jerry Wilkening to approve the November 10, 2016 Public Meeting Minutes as presented. Roll Call Vote: 5-0

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
Deferred to January 12, 2017 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: _____ 2nd: _____

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 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

- a) Attorney to Review Legals: David Austgen stated the legal's are in order and was properly continued.
- b) Petitioner's Comments: Michelle Spohn, 8712 W. 139th Pl., does not have survey back yet. Does have pictures of everything staked out and put up orange fencing.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated she put up the orange fence, did keep it out of the vision triangle, lines up with the front of the house. Her property line is clearly staked out now and she is approximately six to seven (6 to7) foot off her property line. She has done everything we asked. She has a unique piece of property and this is the only yard she has.
- e) Board's Discussion: None

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the Developmental Variance as presented in the photos and to include the findings of fact.

Eric Olson	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	No	Yes	4-1

3. 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

Deferred from November 10, 2016 Public Meeting

- a) Attorney to Review Legals: David Austgen stated the legal's are in order.
- b) Petitioner's Comments: Ed Stover, 5469 W. 101st St., Crown Point, IN. Wants to extend an existing deck and stair on the east side of the property. It will be a wrap around suspended deck. Want to connect side deck to back deck.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated he is maintaining his existing setback line from the park. Has no negative impact on anything else. If he didn't connect, he would need another set of stairs so he could get out the back door. He is just maintaining the existing three (3) foot line another twelve (12) feet.
- e) Board's Discussion: Discussion on three (3) foot setback, needs eight (8) foot rear yard setback.

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

Eric Olson	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

New Business:

1. David & Susan Gozdecki – Developmental Variance

Owner: David & Susan Gozdecki, 2816 Capri Drive, Schererville, IN 46375
 Petitioner: David & Susan Gozdecki, 2816 Capri Drive, Schererville, IN 46375
 Vicinity: 13919 Lakeview Point Rd., Cedar Lake, IN 46303
 Legal Description: LAKEVIEW POINT LOT 4
 Tax Key Number(s): 45-15-27-476-003.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XV-Planned Resort (RS) Zoning District; Section 4: C. Side Yard: 4. All interior lots shall have two (2) side yards, each having a width of not less than seven (7) feet, except where party walls are used; D. Rear Yard: 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; Title VIII-Residential (R-2) Zoning District; Section 4: 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 new home with 2 side yards of 2.5 ft., rear yard of 22.8 ft. and lot coverage of 32%

- a) Attorney to Review Legals: David Austgen stated the legal's are in order for the public hearing, may be missing some green cards. Petitioner presented receipts for mailing.
- b) Petitioner's Comments: David Gozdecki, 2816 Capri Drive, Schererville, IN. Want to build a new home, need side yard variances, lot coverage and rear yard.
- c) Remonstrators: Steve VanDrunen, 12595 State Line Rd., has no issue with how it is presented.
- d) Building Department's Comments: Tim Kubiak stated he sees the necessity for the south side variance due to the uniqueness of the lot. Thinks they need to find a way to keep the eight (8) foot side yard setback because of the size of these houses. That 2 ½ side yard in a brand new lot, as far as drainage and maintaining the property, the 2 ½ along the entire north side is too much. Tim Kubiak suggested the possibility of flipping the house on the lot. If did the mirror image can move it to the south, that would give you twelve or thirteen (12 or 13) feet. Move it over four feet to the south and gain some side yard on the north. Could gain six (6) feet easily. Would still need a rear yard variance.
- e) Board's Discussion: Jeremy Kuiper stated can see the hardship with the size of the lot, but thinks can do better. John Kiepura stated not in favor of the 2 ½ on the side of the house. The Board discussed various options on how to improve the plans. Various discussion on the meander line ensued.

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to defer to the January 12, 2017 Public Meeting. Roll Call Vote: 5-0

2. John Delahoussaye – Developmental Variance

Owner: Robert J. Bobb, 13007 Wicker Ave., Cedar Lake, IN 46303
 Petitioner: John Delahoussaye, 2035 Lakeside Center Way, #250, Knoxville, TN 37922
 Vicinity: 13007 Wicker Ave., Cedar Lake, IN 46303
 Legal Description: BOBB Autogroup Sub Lot 1
 Tax Key Number(s): 45-15-21-301-020.000-014

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. 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 add an additional 3' x 12' sign

- a) Attorney to Review Legals: David Austgen stated the legal's are in order and a public hearing may be conducted. He stated Mr. Tambarino would need to fill out a limited power of attorney.
- b) Petitioner's Comments: Jeff Tamborrino, Bobb Auto, stated they are looking to add a sign as a new recommendation from Chrysler. This is a lighted sign on a timer set to go off at 9:00 p.m.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated he has a problem, not so much with the sign, it is the detention basin behind the store is approximately eight (8) inches low according to the as built. That was supposed to be rectified immediately. Still don't have an as built showing that detention pond is built. Mr. Tamborrino stated this is done. Tim Kubiak stated he does not have an as built showing it done and we still have the certificate of occupancy pending this adjustment. Have been in contact with several different people and they have all left. He would not recommend granting the variance until we get the correct paperwork
- e) Board's Discussion: Discussion on the number of signs already on the property ensued.

A motion was made by John Kiepura and seconded by Jerry Wilkening to defer to the January 12, 2017 meeting.

Roll Call Vote: 5-0

Public Comment: None

Adjournment: Time: 8:10 p.m.

Press Session: Board of Zoning Appeals Meeting – January 12, 2017 at 7:00pm

Nick Recupito

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.