



**TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS PUBLIC MEETING
MINUTES
May 11, 2017 7:00 P.M.**

Call to Order (Time): 7:00 p.m.

Pledge to Flag:

Roll Call:

Present Nick Recupito
Present Jerry Wilkening
Present John Kiepura
Absent Jeremy Kuiper
Present Jeff Bunge

Present David Austgen, Town Attorney
Present Tim Kubiak, Director of Operations
Present Michelle Bakker, Building Administrator
Present Tammy Bilgri, Recording Secretary

Minutes:

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the April 13, 2017 Public Meeting Minutes as presented.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Absent	4-0

Old Business:

1. James Hedrick-Developmental Variance

Owner/Petitioner: James Hedrick, 12844 Hess St., Cedar Lake, IN 46303
Vicinity: 12844 Hess St., Cedar Lake, IN 46303
Legal Description: Monastery Woods Phase 1 Lot 14
Tax Key Number(s): 45-15-21-251-016.000-014

Request: 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 XXIV-Swimming Pool: Section 3: Location: No portion of an outdoor 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 at any other location where a “structure” is prohibited

This Developmental Variance is to allow the Petitioner to have a six (6') foot privacy fence and above ground pool in what is considered a front yard

The fence portion of this variance was deferred from April 13, 2017 Public Meeting

- a) Attorney to Review Legals: David Austgen stated this was continued properly.
- b) Petitioner's Comments: James Hedrick, 12844 Hess St.
- c) Remonstrators: Nancy Frigo. 2725 127th Ln., Crown Point. Concerns with fence in the easement and with the swale. Discussion on getting stake survey.
Tom Sikma, 12817 Alexander, concerns with V3 Survey, and thinks he is missing two (2) feet of property. Thinks he should have 530 feet and now he has 528.
Shirley Plant, 10508 129th Ave., discussion on property lines and surveys ensued. Discussion on how Tim Kubiak measured the property lines followed.
- d) Building Department's Comments: Tim Kubiak stated the Plants brought in the survey from the property next door. Have been out checking measurements, using pins from the subdivision. Everything seems to line up, not seeing any discrepancies.
- e) Board's Discussion: The Board discussed that Mr. Hedrick bought property already surveyed and also paid for a second survey.

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.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Absent	4-0

New Business:

1. Roger Almaguer, Jr.-Developmental Variance

Owner/Petitioner: Roger Almaguer, Jr., 11033 W. 133rd Ln., Cedar Lake, IN 46303
 Vicinity: 11033 W. 133rd Ln., Cedar Lake, IN 46303
 Legal Description: HANOVER PLAT A LOTS 35 TO 39
 Tax Key Number(s): 45-15-28-101-022.000-014

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

This Developmental Variance is to allow the Petitioner to build a 24' x 34' addition with a 16' front yard setback

- a) Attorney to Review Legals: David Austgen stated the legals are in order.
- b) Petitioner's Comments: Roger Almaguer, 11033 W. 133rd Ln., would like to put an addition on the east side of the house. Would like to put it there for layout of the house.
- c) Remonstrators: Bernetta Kretz, 621 Lexington Ave., Crown Point. Owns lot next door and is concerned with property values.
- d) Building Department's Comments: Michelle Bakker stated there will be sixteen (16) feet to his property line, looks further because of unimproved road. Tim Kubiak stated his proposal will be approximately thirty (30) feet off the existing asphalt. There is an extra fifteen (15) feet there, that road is really wide.
- e) Board's Discussion: The Board discussed location of addition and if the road was improved in the future. John Kiepura stated there is not a lot of traffic on this road and it will not affect the traffic flow, no vision problems either.

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

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Absent	4-0

2. Erin Kuhel & Joe Clemens-Developmental Variance

Owner/Petitioner: Erin Kuhel & Joe Clemens, 9310 W. 142nd Ave., Cedar Lake, IN 46303
 Vicinity: 9310 W. 142nd Ave., Cedar Lake, IN 46303
 Legal Description: Jane Dwan Gardens Block 3 W.10ft of Lot 15 & Lots 16 to 20
 Tax Key Number(s): 45-15-34-105-033.000-014

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 a front yard.

This Developmental Variance is to allow the Petitioner to build a six (6) ft. fully enclosed wood fence four (4) off the property line on two (2) front yards

- a) Attorney to Review Legals: David Austgen stated the legals are in order.
- b) Petitioner's Comments: Erin Kuhel, 9310 W. 142nd Ave., asked if could change request and go less than four (4) feet. There is a fifteen (15) foot space between the road and property line, want to get it on property line or one (1) foot off. Jeff Bunge stated if you are asking for a bigger variance than requested, would have to apply for a new variance and re-advertise. Discussion on if this request was approved can she come back and file a new variance if they change their mind. Want a fence to keep people from walking through her property and to keep out neighborhood dogs. Also for safety of children.

- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated she wants the fence about twenty (20) feet off the black top. Could see it being fenced in but with a larger setback. Need to maintain vision lines. Michelle Bakker stated a six (6) foot enclosed fence is not allowed in the front. Can have a six (6) foot, fifty (50) percent open fence and needs a twenty (20) foot vision triangle. Discussion on what is stated in the ordinance ensued.
- e) Board's Discussion: Discussion on type of fence, location and vision triangle ensued. Can run fence from front of house going east, then put in vision triangle and run back north as long as it is fifty (50) percent open, six (6) foot height and six (6) foot setback and designate side yard. The west side can be privacy.

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve a six (6) foot privacy fence with a twenty (20) foot vision triangle in the front yard, a foot side yard setback and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	No	Absent	3-1

3. Michael & Patricia McCullough-Developmental Variance

Owner/Petitioner: Michael & Patricia McCullough, PO Box 184, Cedar Lake, IN 46303
 Vicinity: 9622 W. 134th Pl., Cedar Lake, IN 46303
 Legal Description: Camelot Villas W1/2 of Lot 9
 Tax Key Number(s): 45-15-28-229-005.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIV Swimming Pool; Section 3: Location: No portion of an outdoor swimming pool shall be located at a distance of less than ten (10) feet from any side or rear property line, or building line.

This Developmental Variance is to allow the Petitioner to install a swimming pool three (3) feet from the rear property line

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Michael & Patricia McCullough 9622 W. 134th Pl., had to move the gas line, will put pump by their house as suggested by Tim Kubiak. This is the only place they can put it, very small yard.
- c) Remonstrators: None
- d) Building Department's Comments: Michelle Bakker stated they have a thirty (30) foot right of way on the entire side of their property, could not put it there. Tim Kubiak stated there really is no other place for the pool.
- e) Board's Discussion: The Board discussed location and how close to property line.

A motion was made by Jerry Wilkening and seconded by Nick Recupito to approve as presented with filter on opposite side of neighbor and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Absent	4-0

4. Michael Guined-Developmental Variance

Owner/Petitioner: Michael Guined, 14753 Ivy Street, Cedar Lake IN 46303
 Vicinity: 14753 Ivy Street, Cedar Lake IN 46303
 Legal Description: Lynnsway Unit 2 Lot 34
 Tax Key Number(s): 45-15-33-481-007.000-014

Request: Petitioner is requesting a Developmental 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.

This Developmental Variance is to allow the Petitioner to build a 10' x 10' shed in what is considered a 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: Michael Guined, 14753 Ivy St., wants to put up a 10' x 10' shed, thirty-four (34) feet from the road and twenty-five (25) feet from house at an angle on the lot ten feet from fences. Have two front yards.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated concern with not putting it in the drainage easement.
- e) Board's Discussion: Discussion on exact location ensued.

A motion was made by John Kiepura to approve the Developmental Variance as presented and to keep it out of the drainage easement and ten (10) feet from the house and to include the finding of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Absent	4-0

5. David Valerius-Developmental Variance

Owner/Petitioner: David Valerius, 13414 Cedar St., Cedar Lake, IN 46303
 Vicinity: 13414 Cedar St., Cedar Lake, IN 46303
 Legal Description: CEDAR POINT PARK L.25 EX. S'LY PT. OF L.26 '28X X36X86.6 FT.'
 Tax Key Number(s): 45-15-26-151-003.000-043

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 from all other buildings; Title VIII-Residential (R-2) Zoning District; Section 4: E. Building Coverage: Not more than twenty-five (25%) percent of the area of the lot may be covered by buildings and/or structures

This Developmental Variance to allow the Petitioner to build a shed three (3) feet from the side property line, eight (8) feet from the deck and lot coverage of approximately fifty-seven (57%) percent

- a) Attorney to Review Legals: David Austgen stated the legals are in order for the public hearing to be conducted.
- b) Petitioner's Comments: David Valerius, 13414 Cedar St., wants variance for a shed that is already built. Have applied for a building permit. Brought pictures of other sheds in the area.
- c) Remonstrators: 2 Letters-attached
- d) Building Department's Comments: Tim Kubiak stated he gave him a red tag for building without a permit. Does not have a lot of space on his property for a shed. Does not have a problem with the size or location of the shed. Pretty consistent with the neighborhood.
- e) Board's Discussion: Discussion ensued about the location and size of the shed. Concern of space for emergency services. Space is a hardship. The Board expressed concern for blocking the neighbors view, David Austgen stated it would not be a blocked view.

A motion was made by John Kiepura and seconded by Nick Recupito to approve the Developmental Variance as requested and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	No	Absent	3-1

Public Comment: None

Adjournment: Time: 9:05 p.m.

Press Session: Board of Zoning Appeals Meeting – June 8, 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.