



**TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS
PUBLIC MEETING MINUTES
May 9, 2019 7:00 P.M.**

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

Pledge to Flag:

Roll Call:

Absent Nick Recupito

Present Jerry Wilkening

Present John Kiepura

Present 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

*David Austgen arrived at 8:23 p.m.

Minutes:

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the April 11, 2019 Public Meeting Minutes as presented.

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

Old Business:

1. Walker - Developmental Variance

Owner/Petitioner: Jason Walker, 15169 North State Rd. 49, Wheatfield, IN 46392

Vicinity: 7619 Lake Shore Dr., Cedar Lake, IN 46303

Legal Description: PT. SW. NW. S.23 T.34 R.9 .054 A.

Tax Key Number(s): 45-15-23-303-010.000-043

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 or distance from **all** other buildings; **and** Title VIII-Residential (R-2) Zoning: Section 4: E. Building Coverage: 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 have an eleven ft. x twelve ft. (11' x 12') shed one ft. (1') from the rear property line, eight ft. (8') from the house with a lot coverage over twenty-five percent (25%)

Deferred from February 14, 2019

Deferred from March 14, 2019

Deferred from April 11, 2019

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

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to defer to the June 13, 2019 Public Meeting per the request of the petitioner.

Vote 4-0

2. Barajas – Special Use Variance

Owner/Petitioner: Teresita & Armando Barajas, 10212 W. 117th Ave., Cedar Lake, IN 46303
Vicinity: 10712 W. 133rd Ave., Cedar Lake, IN 46303
Legal Description: Barajas Park Lot 4
Tax Key Number(s): 45-15-21-376-031.000-014

Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XII: Neighborhood Business (B-1)

This Special Use Variance is to operate a resale shop on a lot in a B-1 Zoning District

Deferred from April 11, 2019

- 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:

A motion was made by Jerry Wilkening and seconded by John Kiepura to defer to the June 13, 2019 Public Meeting per the request of the petitioner.

Vote 4-0

New Business:

1. Accent Homes – Developmental Variance

Owner/Petitioner: Accent Homes, Inc., 2036 W. 81st Ave., Merrillville, IN 46410
Vicinity: 10022 W. 128th Ln., Cedar Lake, IN 46303
Legal Description: Monastery Woods Phase 1 Lot 141
Tax Key Number(s): 45-15-21-256-007.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 5: A. No building shall be erected for residential purposes having minimum footprint for a two-story is eight hundred (800) square feet.

This Developmental Variance is to allow the Petitioner to build a new two (2) story house with a main floor of seven hundred thirty-four sq. ft. (734 sq. ft.)

- a) Attorney to Review Legals: *See below
- b) Petitioner's Comments: Wes Morin, Accent Homes, 2036 W. 81st Ave., Merrillville, IN. Requesting to build a less than eight hundred (800) sq. ft. main level two (2) story. The total square footage will be one thousand eight hundred eighty-eight (1,888) sq. ft. Just for the record have removed this model plus another from the website so we don't have this situation come up again. The customer specified they want this model. The upstairs is one thousand one hundred fifty-four (1,154) sq. ft. and the total package including the lot should be around (\$275,000), believe it will be a good addition to the community.
- c) Remonstrators: John Furman, 10017 W. 128th Ln., Have lived here for six years worked very hard for their home. Concerned that this is the third time Accent is building a home that was not to be built in this neighborhood. Will not be good for the value of the neighborhood.

Christopher Spierowski, 10131 128th Ave, Built about six (6) years ago, we had to follow a guideline and my house is built within that. Feel like being cheated and don't want property values to depreciate.

Dennis Suttinger, 10212 W. 128th Ave, did not have Accent build his house. This is the third time they have come to make a house smaller, do not want his house to be depreciated.

Kevin Hartigan, 10021 W. 128th Ln., biggest concern is property values. Third time to do a smaller home and most people are not happy. Should keep the standard.

Kelvin Noble, 12732 Hess, built five (5) years ago with an expectation with what was going around me. Concern with the second phase coming in. Concern with property values.

Gretchen Tomich, 10026 W. 128th Ln., her house is over one thousand (1,000) square feet on the first floor, sound ridiculous to put a house this size. Liked that the homes were not cookie cutters and now the homes are plain. Concerned with value and not meeting requirements.

John Merkel, 10007 W. 128th Pl., concerned with size and what will come next.

Max Majchrzak, 10008 W. 128th Ln., my first home, moved here for a reason. Concern with house value and should keep the standard. Keep breaking rules.

Brian Mola, 10010 W. 128th Pl., fifth house built in neighborhood, home has three thousand (3,000) square feet not including the garage. Covenant rules originally stated different color houses, now they allow them next to each other. Want rules enforced. Against this variance.

Wes Morin responded when it comes down to the covenants, they are loosely constructed. Stone or brick being required is only a suggestion; do not put the exact same house next to each other. The Auburn two (2) story is a sixteen hundred (1,600) square foot plan and it can be built without a variance. This house does cost more than this, this is a home that is presold. Trying to keep improvements going to the neighborhood, the lots in the next phase will cost more. Does not believe it will be a detriment to the neighborhood. Rain has put the landscapers back, cannot do enough or not enough. Mr. Morin discussed some misconceptions being stated about the HOA.

- d) Building Department's Comments: Tim Kubiak stated he believes there are some of these already built there. Mr. Morin stated there are some similar ones built in there, this one is larger on the main level. Tim Kubiak stated since the house is almost nineteen thousand square feet (1,900) complete, is not like it is a super small house. It is just the layout with the garage underneath. The ordinance calls for eight hundred (800) square feet for the first floor, and this is sixty (60) feet short.
- e) Board's Discussion: Jeff Bunge asked if there is anything unique to the lot? Seems like they are trying to undersize the structure on the lot. Mr. Kubiak stated it is just he layout of the house. There are plenty of houses in there with less square footage. Mr. Morin stated the customer stated this was the best floor plan for them. There are similar two (2) stories out there. John Kiepura asked the square footage of the garage, Mr. Morin stated four hundred eight-four (484). Discussion ensued regarding the HOA and covenants. John Kiepura asked if they could make this house bigger to meet the requirement of the ordinance and does it meet the value of the houses in the area. Mr. Morin stated he can ask the customer and the house generally appraises for more than the cost to build. Jerry Wilkening asked for some clarification on the HOA.

A motion was made by John Kiepura and seconded by Jerry Wilkening to deny this Developmental Variance based on the negative feedback from remonstrations and no hardship and will cause depreciation to property values, pending legal review and to include the findings of fact.

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

2. Vanadco, Inc.- Developmental Variance

Owner: Tech Federal Credit Union, 10951 Broadway, Cedar Lake, IN 46303
Petitioner: Vanadco Inc., 10625 State Road 10, Argos, IN 46501
Vicinity: 9707 W. 133rd Ave., Cedar Lake, IN 46303
Legal Description: UTOPIA-BUSINESS UNIT NO.1 LOT 1
Tax Key Number(s): 45-15-28-227-004.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXII: Sign Regulations: Section 1: A. Signs which display any flashing or intermittent lights, or lights changing intensity or color, except signs indicating time or whether conditions

This Developmental Variance is to allow the Petitioner to have a digital message board

- a) Attorney to Review Legals: *See below
- b) Petitioner's Comments: Tim Overmeyer, Vanadco, 10625 State Road 10, Argos, IN 46501. Tech Federal is requesting a digital message center for marketing and community events. The sign meets all other regulations. This is self dimming at night. Not sure if the sign will be on twenty-four/seven (24/7).
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated no issue with this, everything else meets the ordinance. As long as we keep it consistent and add similar stipulations as in the past.
- e) Board's Discussion: Jeremy Kuiper stated with past signs we include the following stipulations, no scrolling from left to right, message stays up for six (6) seconds, no flashing to mimic emergency vehicles and it should dim at night.

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to approve the Developmental Variance as presented and to include dim at dusk, no scrolling left to right, message to appear for six (6) seconds and no flashing to mimic emergency vehicles contingent legal review and to include the findings of fact.

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

3. Gomes - Developmental Variance

Owner/Petitioner: Kevin Gomes, 9709 Eagle Crest Ct., Cedar Lake, IN 46303
Vicinity: 9709 Eagle Crest Ct., Cedar Lake, IN 46303
Legal Description: Centennial Sub. Phase 9 Lot 44
Tax Key Number(s): 45-15-28-477-011.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI-Fence Regulations: Section 1: B. 2) The fence shall not exceed a height of four feet (4'); however, if the fence is constructed with a material such as wrought iron or wood piers, a six foot (6') high fence is allowed if the entire fence design is at least fifty percent (50%) open to allow increased visibility to pedestrians and motorists

This Developmental Variance is to allow the Petitioner to have a six ft. (6') privacy fence with a ten ft. (10') setback on a corner lot

- a) Attorney to Review Legals: *See below
- b) Petitioner's Comments: Kelvio Gomes, 9709 Eagle Crest Ct., Cedar Lake, would like to put up a privacy fence for safety of kids and dogs to play in the yard.
- c) Remonstrators: Larry Nelson, 9631 Eagle Crest Ct., concerns with his view of the main pond being blocked.
- d) Building Department's Comments: Tim Kubiak stated he does not really care for the fence in that setback line. Ten (10) ft. if you drive down that road, it is in the view of

the neighbor's house, kind of in his front yard. This would block the line of sight down the road. It is a triangular shaped lot and a unique situation. The person affected the most is to the south, it would be in their front yard. It should be thirty (30) feet off the road. Have the rule can be twenty (20) ft. if you do fifty percent (50%) open and four (4) ft. height.

- e) Board's Discussion: John Kiepura states this would cause a safety hazard for line of vision for the neighbor. The Board discussed where the fence could be located following our ordinance and he would not need a variance. There would be a safety issue with it too close to the sidewalk. The Board discussed different locations for the fence. Tim Kubiak stated a possible twenty-five (25) ft. setback instead of ten (10) and if he followed the lot line, would be able to utilize his yard and then the driveway would be open.

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to approve the Developmental Variance to allow the petitioner to have a six (6) ft. privacy fence twenty-five (25) ft. off the sidewalk continuing with the curve of the sidewalk contingent legal review and to include the finding of facts.

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

4. Nutter - Developmental Variance

Owner/Petitioner: Les & Kimberly Nutter, 12836 Stevenson St., Cedar Lake, IN 46303
Vicinity: 12836 Stevenson St., Cedar Lake, IN 46303
Legal Description: Krystal Oaks Estates Lot 70
Tax Key Number(s): 45-15-23-278-015.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIV-Swimming Pool: Section 3: 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 under the other terms of this Zoning Ordinance, as amended from time to time. Pumps, filters and pool water disinfection equipment installations shall be similarly restricted to the requirements of this paragraph

This Developmental Variance is to allow the Petitioner to have a twelve ft. x twenty-four ft. (12'x24') oval pool four ft. (4') from the house

- a) Attorney to Review Legals: *See below
b) Petitioner's Comments: Les Nutter, 12836 Stevenson St., Cedar Lake. Would like to put up a pool, but has a very small back yard. Also had to get a variance for my deck.
c) Remonstrators: None
d) Building Department's Comments: Tim Kubiak stated he has a very small back yard, they also have a twelve (12) ft. easement. Posing a challenge for anything in the back yard. Michelle Bakker stated the twelve (12) ft. oval pool is the smallest he could get. It would be right on the easement line. Tim Kubiak stated there is no option to allow anything in the easement, would have to keep the twelve (12) ft. setback.
e) Board's Discussion: The Board expressed concern with this being too close to the house for safety issues. Jeremy Kuiper stated this is a lot for a little piece of property. John Kiepura stated four (4) ft. is too close to the house, safety. Jeff Bunge stated this is definitely a unique situation. Jeremy Kuiper stated the ten (10) ft. is for emergency services, closer than that creates a hazard. This is too much in the back yard on this property. The Board discussed different options.

A motion was made by Jerry Wilkening and seconded by John Kiepura to deny the Developmental Variance due to safety concerns contingent legal review and to include the findings of fact.

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

5. Odom - Developmental Variance

Owner/Petitioner: Candis Odom, 7213 W. 130th Ave., Cedar Lake, IN 46303
 Vicinity: 7213 W. 130th Ave., Cedar Lake, IN 46303
 Legal Description: Shades Add Cedar Lake Plat H.H BL.7 Lots 1 to 6
 Tax Key Number(s): 45-15-23-336-021.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIV-Swimming Pool: Section 3: 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 under the other terms of this Zoning Ordinance, as amended from time to time. Pumps, filters and pool water disinfection equipment installations shall be similarly restricted to the requirements of this paragraph

This Developmental Variance is to allow the Petitioner to have a swimming pool in the front yard of a corner lot thirty ft. (30') off of 130th Avenue

- a) Attorney to Review Legals: David Austgen stated the legals are in order.
- b) Petitioner's Comments: Candis Odom, 7213 W. 130th Ave., Cedar Lake. Swimming pool on a corner lot.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated this is a unique situation. There is a platted road off the side of a cliff off of 130th. The chance for a road being improved there is pretty slim. No issue.
- e) Board's Discussion: Jeremy Kuiper asked for clarification, that this is a pool in a front yard of an unplatted, unimproved road.

A motion was made by Jeff Bunge and seconded by John Kiepura to approve as presented and to include the findings of fact.

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

6. Pettit - Developmental Variance

Owner/Petitioner: Dean & Lori Pettit, 9715 W. 150th Ct., Cedar Lake, IN 46303
 Vicinity: 9715 W. 150th Ct., Cedar Lake, IN 46303
 Legal Description: Lynnsway Unit 3 Lot 144
 Tax Key Number(s): 45-19-04-230-017.000-057

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIV-Swimming Pool: Section 3: 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 under the other terms of this Zoning Ordinance, as amended from time to time. Pumps, filters and pool water disinfection equipment installations shall be similarly restricted to the requirements of this paragraph **and** 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 twenty-one ft. (21') round pool six ft. (6') from the house and a six ft. (6') privacy fence in the front yard of a through lot

- a) Attorney to Review Legals: David Austgen stated the legals are in order and the public hearing can be conducted.
- b) Petitioner's Comments: Dean & Lori Pettit, 9715 W. 150th Ct., Cedar Lake. Would like to do a twenty-one (21) ft. pool six (6) ft. from the house due to the easements. Also, would like a fence in the back yard, which is considered a front yard.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated the fence is similar to the area. Fence was put up without a permit. The Pettit's stated they thought they had a permit per their contractor. Michelle Bakker stated the contractor was not registered with the Town. Tim Kubiak stated they have easements everywhere at this house. Beautiful yard, but can't do anything. Twelve (12) ft. easement on side and thirty (30) ft. easement in rear.
- e) Board's Discussion: Jerry Wilkening asked how far the pool will be off the current deck. John Kiepura was concerned with safety and didn't think six (6) ft. was enough space. Discussion ensued on deck expansion in the future. The Board asked if there was a smaller pool they could purchase. The homeowner stated yes an eighteen (18) ft. and that would make the pool nine (9) ft. from the house. The Board discussed the different safety concerns. The Board asked if the petitioner was willing to get the smaller pool and stay the nine (9) ft. from the house. The petitioner stated they were willing to work with the Board. The fence is consistent with the area.

A motion was made by Jerry Wilkening and seconded by John Kiepura to approve the Developmental Variance for an eighteen (18) ft. round pool nine (9) ft. from the house and a six (6) ft. privacy fence in the front yard of a through lot pending permits and inspections and to include the findings of fact.

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

7. Almaguer - 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 **and** HANOVER PLAT A N1/2 LOTS 47 TO 51
 Tax Key Number(s): 45-15-28-101-022.000-014 **and** 45-15-28-101-023.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII-Accessory Regulations: Section 1: 4) No accessory buildings shall be allowed in the front yard of any residential lot.

This Developmental Variance is to allow the Petitioner to have an eight ft. x eight ft. (8'x8') shed on a lot with no primary structure

- a) Attorney to Review Legals: David Austgen stated the legals are in order.
- b) Petitioner's Comments: Roger Almaguer, Jr., 11033 W. 133rd Ln., Cedar Lake. Would like to put a small shed on the lot next to his house. He recently purchased this adjoining lot. This would be for garden supplies.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated this is a small building and has no issue.
- e) Board's Discussion: The Board was concerned with how many accessory structures he currently had on the other lot. The Board asked for clarification on where the shed would be located. Mr. Almaguer stated the northwest corner approximately forty (40) ft. from the house.

A motion was made by Jeff Bunge 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

Absent	Yes	Yes	Yes	Yes	4-0
--------	-----	-----	-----	-----	-----

8. Boudreau - Developmental Variance

Owner/Petitioner: Steve Boudreau, 8311 W. 147th Ave., Cedar Lake, IN 46303
 Vicinity: 8311 W. 147th Ave., Cedar Lake, IN 46303
 Legal Description: W.633ft of N.575ft of Gov. Lot 4 Ly'ng S. of Rd. S.34 T.34 R.9 Ex. W.165ft & Ex. E.198ft of W.363ft of N.220.5ft 5.0Ac
 Tax Key Number(s): 45-15-34-476-001.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIII-Accessory Regulations: Section 1: A. 2) Exterior wall height shall not exceed ten (10') feet from the finish floor surface. Section 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 three thousand four hundred fifty-six sq. ft. (3,456 sq. ft.) pole barn with a height of seventeen ft. point six (17'.6") and wall height of fourteen ft. (14') in the front yard

- a) Attorney to Review Legals: David Austgen stated the legals are in order.
- b) Petitioner's Comments: Steve Boudreau, 8311 W. 147th Ave., Cedar Lake. The front yard is only between the house and road and my driveway is three hundred and fifty (350) ft. long. The building will be behind the moat and trees. The reason for the building is because owns four (4) vehicles, and all different equipment, owns nine (9) acres to take care of there and an additional forty-five (45) acres, would like to protect his investments and keep all tractors and equipment inside. Is a professional built building. Has had geological test done because of the swamp area. That is pending.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated his concern is the fourteen (14) ft. sidewall. This is an issue within Town buildings, could turn into a commercial business in the future. Mr. Boudreau would be a personal use just storing equipment and wood working. Discussion on the size of the building ensued.
- e) Board's Discussion: The Board discussed location of the building and effect on neighbors. Concern for future use if property is sold. There is plenty of space for this size building.

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
Absent	Yes	Yes	No	Yes	3-1

9. Polito - Developmental Variance

Owner/Petitioner: Edward & Marianne Polito, 9725 W. 130th Ln., Unit B, Cedar Lake, IN 46303
 Vicinity: 9725 W. 130th Ln., Unit B, Cedar Lake, IN 46303
 Legal Description: Monastery Woods Phase 2 lot 242 Ex. E.46.13ft
 Tax Key Number(s): 45-15-21-433-019.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 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 have a twelve ft. x twelve ft. (12'x12') covered porch with a twenty-five ft. (25') rear yard setback

- a) Attorney to Review Legals: David Austgen stated the legals are in order.

- b) Petitioner's Comments: Edward & Marianne Polito, 9725 W. 130th Ln. Is requesting a twenty-five (25) ft. rear yard setback to add a covered porch
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated this is similar in the subdivision.
- e) Board's Discussion: Jeremy Kuiper read a letter from the HOA with their requirements.

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
Absent	Yes	Yes	Yes	Yes	4-0

10. Nowdomski - Use Variance

Owner/Petitioner: Edward Nowdomski, 13705 Birch St., Cedar Lake, IN 46303
Vicinity: 13809 Morse St., Cedar Lake, IN 46303
Legal Description: N. 49.50 FT. OF S. 31 RDS. OF W. 150 FT. OF NW. SE. S.26 T.34 R.9 CONT'G. .17A.
Tax Key Number(s): 45-15-26-404-004.000-043

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 two (2) businesses, a bike shop and U-Haul Rentals on a lot in a B-2 Zoning District

- a) Attorney to Review Legals: David Austgen stated the legals are in order.
- b) Petitioner's Comments: Mary Jane and Edward Nowdomski, 13705 Birch St., Cedar Lake. Recently U-Haul came to them looking for a new dealership and would need a variance for this.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated this is two (2) businesses on one lot.
- e) Board's Discussion: Jeremy Kuiper asked how many units and trailers they are planning to have and where they will be stored. Ms. Nowdomski stated they own both lots next to the shop, one is zoned residential. Would put the trucks and trailers in the front. Still working out the details. The largest would be a ten (10') ft. box trailer. Tim Kubiak asked if they owned the property the trailers are currently parked on and stated this is an over use of the property. Ms. Nowdomski stated they do not own that property. The Board stated they need a site plan showing where customers are parking for the bike shop and U-Haul, it needs to include where they are storing the trucks and trailers. Concerns came up with work already being done on the property for a retail space. They would like to put in a gravel parking lot. David Austgen stated using the residential lot would need a rezone or variance of use, but concerns with a commercial use being brought to a residential, would need fencing, screening and protection. Jeremy Kuiper stated we will need some sort of plan, number of rental units, where customers will park. Tim Kubiak stated they have put in a new door and office without a permit. The petitioner stated they just replaced the door. Mr. Kubiak stated they were required three (3) parking spaces when they received occupancy for the bike shop, but have u-hauls and golf carts taking up the parking. Need to park u-haul stuff in the thirty (30) ft. strip. Cannot use the residential to park anything now. David Austgen stated the staff is well acquainted with the reuse of old commercial structures, come and talk to them. The Board suggested a deferral.
- f) Recommendation to Town Council:

A motion was made by John Kiepura and seconded by Jerry Wilkening to defer to the June 13, 2019 Public Meeting to allow the petitioner to meet with staff and submit a site plan and to properly continue the public hearing to the next meeting.

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

11. Reitsma - Developmental Variance

Owner/Petitioner: Ben Reitsma, 14347 Lauerman St., Cedar Lake, IN 46303
 Vicinity: 14347 Lauerman St., Cedar Lake, IN 46303
 Legal Description: NELSON'S OAK GROVE ADD. LOTS 1 THRU 8 INC BL.1
 Tax Key Number(s): 45-15-34-253-001.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District: Section 4. B. 3) On all streets designated as a part of the Federal Aid Urban Systems, as delineated by the State Highway Commission, a distance of forty (40) feet

This Developmental Variance is to allow the Petitioner to build an eighteen ft. x twenty-four ft. (18'x24') addition with a thirty-five ft. (35') set back from Lauerman Street

- a) Attorney to Review Legals: David Austgen stated the legals are in order.
- b) Petitioner's Comments: Bailey Reitsma, 14347 Lauerman St. Asking for a variance for thirty-five (35) ft. off of Lauerman. Will come out straight west.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated they have a large piece of property. Last year they attempted to add on to the north of the house and there is a power line that runs back to the road behind them, the cost of trying to relocate the pole was on them. Now they have come up with adding up to the front, which on Lauerman there is the FAU route which has the forty (40) ft. setback. A lot of houses in that area are closer. Do not have any concerns with this.
- e) Board's Discussion: None

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
Absent	Yes	Yes	Yes	Yes	4-0

12. South Shore Improvement Assoc. - Developmental Variance

Owner: South Shore Improv. Assn., Lot "A" 145th Ave., Cedar Lake, IN 46303
 Petitioner: Tim Cook, 14609 Blaine St., Cedar Lake, IN 46303
 Vicinity: 145th Ave., Cedar Lake, IN 46303
 Legal Description: SOUTH SHORE SUB. LOT 'A' EX. W. 100 FT
 Tax Key Number(s): 45-15-35-301-002.000-043

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; 8) Fences shall not be constructed of chain link, wire, or an equivalent type of material adjacent to any street

This Developmental Variance is to allow the Petitioner to replace an existing four ft. (4') chain link fence with a five ft. (5') and six ft. (6') black vinyl coated chain link fence in a front yard

- a) Attorney to Review Legals: David Austgen stated the legals are in order.
- b) Petitioner's Comments: Tim Cook, 14609 Blaine St. Want to replace the old fence that has been there for forty (40) years with a black vinyl coated chain link fence. Have issues with people jumping over the fence, would like the five (5) ft. section to be along Lake Shore Drive and the six (6) ft. section along the short section by

Bugaboo's property. Want chain link so it does not obstruct the view. Want to expand the main gate adjacent to Lee Street, would like to make a ten by ten (10x10) corral where the golf carts can pull off.

- c) Remonstrators: Steve last name and address inaudible. Thinks this will give a better line of site with this fence. Before coming to the committee did order and put a deposit down with Reeves Fencing.

Donna Corey, 14605 Bryan St., important for height of the fence to combat vandalism. To keep people off the private property, people go over the four (4) ft. fence.

Erin Gluth, 14350 Blaine St., this is for the home owners in this neighborhood. Is private property want fence higher to keep people out.

Greg Lasek, 14513 Lake Shore Drive, house faces the park. Have seen people put wave runners over the fence. Want to put locks on the gates, just for residents. Fence is down low and should not make a difference if higher.

Bob VanRamshort, 14507 Lake Shore Dr., live directly across the street and does not see a five (5) ft. fence impeding his view. Thinks fence that is there is really over four (4) ft. Want this for safety.

Mike Rice, 14738 Bryan St., a lot of issues with trespassing, thinks higher fence will help. Have planted a lot of trees last year and want to make it look nicer.

Mike Toth, 14605 Lee St., is for the five (5) ft. fence.

Colleen Schieben, 14625 Blaine St., had a lot of problems with trespassing, trying to improve the property and keep it private.

- d) Building Department's Comments: Tim Kubiak stated concerned with the five (5) and six (6) ft. height. Does not like that height near the road, will be looking right at the rail. If a kid can jump over a four (4) ft. fence, they can jump over a five (5) ft. fence. Would like to keep the current height, appreciates wanting to make it better. Agrees with them for security issues, this is a unique situation, this is one of those things we don't have along the roadways. It is a beautiful place, but concerned with the aesthetics and view driving through. The Board stated this HOA takes great care of their property and they understand there is a lot of trespassing. David Austgen stated this is a very busy area of the Town the competing of residential/recreational against commercial has occurred over the past few years and that is good for Cedar Lake. One reason to be here is to seek relief from the strict, in recognition of changing circumstances. From a code enforcement perspective, Tim Kubiak's points are spot on. Just kind of a balancing to what is happening and with what folks live with. Discussion ensued on a different type of fence. The petitioner stated this was the most cost effective. Discussion ensued on the actual height of the current fence. Jerry Wilkening asked if they would hold the elevation or would parts of the fence be off the ground. They stated will hold elevation, fence will be right down to the soil. The fence company will make sure the top is level.

A motion was made by John Kiepura and seconded by Jeff Bunge to approve the Developmental Variance as presented with no slats allowed and to include the findings of fact.

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

Public Comment:

Robert Carnahan, 12850 Fairbanks St., Cedar Lake, IN. Here commenting on Town Council items, first the census is coming up, everyone will receive a form in March. For every person not counted we will lose \$2,170 per person per year. Lost over nineteen (19) million dollars from the 2010 census. Need to get everyone counted. Next items on Tuesday, May 14 at 6:00 there will be a meeting about the roundabout.

Brian Mola, Monastery Woods, representing everyone that was here earlier. Want to clarify some points, the covenants are only thirty-seven (37) pages long not seventy-five (75). Have been misinformed about the brick requirements, the officers of the HOA are not residents of the subdivision. Last meeting was in October of 2014, at that point they did appoint a resident, but he has since moved. The park was given back to the Town as well as the Cedar Lake Clubhouse, he states he needs more money to take care of those things. Lucky if they mow empty lots three (3) times a year. The covenant can be enforced by the Town. Want to know what kind of recourse they have and what the Town can help with. Discussion

ensued on dues. Jerry Wilkening asked David Austgen if the Plan Commission can do anything. David Austgen stated this is a private contract, the Town's involvement is not at all. If they need to come back for a primary plat approval may be able to do something. Mr. Mola asked the Board to look out for future neighborhoods and don't let this happen to anyone else. Jeremy Kuiper stated if it is in our ordinances, they don't have to come see us.

*David Austgen reviewed all legals and stated they were in order.

Update Items:

1. Dessauer - Use Variance passed by Town Council 4/16/19
2. Czyzewski – Special use Variance petitioner has withdrawn application

Adjournment: Time: _____

Press Session: Board of Zoning Appeals Meeting – June 13, 2019 at 7:00pm

Nick Recupito

Jeff Bunge, Vice Chairman

Jerry Wilkening

Jeremy Kuiper, Chairman

John Kiepora

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.