



CEDAR LAKE BOARD OF ZONING APPEALS MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
June 9, 2022 at 6:00 pm

CALL TO ORDER:

Mr. Bunge called the Board of Zoning Appeals meeting to order at 6:02 pm, on Thursday, June 9, 2022, with its members attending on-site. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present Via Zoom: None. **Members Present:** Ray Jackson; Jerry Wilkening; John Kiepura; and Jeff Bunge, Vice Chairman. A quorum was obtained. **Also Present:** David Austgen, Town Attorney; Jill Murr, Planning Director; Margaret Abernathy, Administrative Assistant on behalf of Chris Salatas, Town Manager; and Ashley Abernathy, Recording Secretary. **Absent:** Nick Recupito, Chairman; and Mr. Salatas, Town Manager.

APPROVAL OF MINUTES:

Mr. Bunge entertained a motion for the Minutes of the May 12, 2022, Meeting; a motion was made by Mr. Kiepura and seconded by Mr. Jackson. Motion passed unanimously by roll-call vote:

Mr. Jackson	Aye
Mr. Wilkening	Aye
Mr. Kiepura	Aye
Mr. Bunge	Aye

Old Business:

1. Krinakis – Developmental Variance

Owner/Petitioner: Gus Krinakis, 510 East Monitor Street, Crown Point, IN 46307

Vicinity: 7215 West 129th Avenue, Cedar Lake, IN 46303

Mr. Bunge advised the first order of business was a Developmental Variance for the Petitioner to run electric to an existing garage on a lot without a residential structure on a property located at 7215 West 129th Avenue by Petitioner Mr. Gus Krinakis. Mr. Bunge noted that a withdrawal was submitted for this Variance on June 4, 2022.

Withdrawal was acknowledged.

June 9, 2022

2. Boulas – Developmental Variance

Owner/Petitioner: Pete Boulas, 2929 Painted Leaf Drive, Crown Point, IN 46307

Vicinity: 13008 Knight Street, Cedar Lake, IN 46303

Mr. Bunge advised the next order of business was for a Developmental Variance for the Petitioner to construct a two-story home with a ground floor area of 741 square feet, with a front yard setback of 29 feet 6 7/8 inches on lot with a width of 50 feet and an area of approximately 6,098.4 square feet on a property located at 13008 Knight Street by Petitioner Mr. Pete Boulas.

Mr. Bunge asked if the Petitioner was present. Mr. Austgen recommended due to no Petitioner being present at this time to move this item to the end of the agenda.

New Business:

1. NYBY Development Corp. – Developmental Variance

Owner/Petitioner: Nyby Development Corp., 1370 Dune Meadows Drive, Porter, IN 46304

Vicinity: 9710 W 133rd Avenue, Cedar Lake, IN 46303

Mr. Bunge advised the next order of business was a Developmental Variance to allow the Petitioner to reduce their west side yard setback from 15 feet to 10 feet, to reduce the rear yard setback from 30 feet to 17 feet, and to allow for parking to be located in the front yard setback. Mr. Austgen advised the legals are in order.

Doug Homeier, McMahon Associates, representing the Petitioner, stated they are seeking three variances to allow for them to build a car repair facility on the property. Mr. Homeier discussed the three variances they were requesting in and due to the date, they filed the BZA Application, they would need to come for another variance in July for the lot size.

Mr. Wilkening asked if the Petitioner was provided the criteria required for the BZA to review in order to approve a Developmental Variance and inquired about the hardship to the property. It was discussed by Mr. Homeier that when they initially purchased the property and brought the plans to the Town, the lot size was allowable for a B-3 Zoning. They were aware of the three variances they are requesting tonight to allow for the size of building that has been proven to work with this style of business.

Mr. Lee commented this property is similar in size to a property they have in Winfield, and the building is the same size, with a smaller parking lot. Mr. Lee discussed his purchase contract with the previous owner for the property. Mr. Wilkening advised Mr. Lee the Board does not make decisions due to finances and asked Mr. Austgen to explain hardships to the Petitioner.

Mr. Austgen advised a hardship needs to be applied and proven to the Board by the Petitioner regarding the hardships that the property presents. The Board's decision is not made based off of financial considerations, and the hardship cannot be created by the Petitioner. The Board has full discretion for their interpretation and assessment of the petition. The decisions they make will be maintained and validated.

Mr. Bunge asked if a smaller building would work for the Petitioner. Mr. Lee stated it was possible to potentially make the building smaller. The problem with the property is the 50-foot setback required off of 133rd Avenue and a 30-foot setback required in the back, which creates a narrow buildable area.

Mr. Bunge asked for the depth of the lot. Mr. Lee responded the lot depth is 140-feet, which would only allow for a 60-foot area to build upon.

Mr. Kiepura asked what the lot coverage for the lot would be. Ms. M. Abernathy advised the lot coverage would 17.8%.

Mr. Kiepura discussed the property being in front of the Plan Commission and discussions that have occurred at the Plan Commission regarding the variances the Petitioner would need. Mr. Kiepura asked the Petitioner if they were meeting the requirements needed for parking. Mr. Lee answered they were required to have 14 parking spaces, and they are planning on 16 parking spaces.

Mr. Wilkening discussed that he was concerned with the utility easement on the north side of the property. Mr. Homeier advised they are outside of the utility easement and not encroaching on that easement. The utility easement is a 10-foot easement, they are requesting to move their setback to 17 feet, with the building being located 7 feet from the easement. Mr. Homeier explained initially the easement for the property was only 7.5 feet and after discussions with Mr. Oliphant, they increased the utility easement to 10 feet. Discussion ensued during which the Board was advised behind the building would be green space.

Mr. Lee advised the Board the building would be made of brick and nice siding.

Mr. Bunge asked if there was any public comment for or against this petitioner; seeing none, Mr. Bunge closed the public hearing for this item.

Mr. Bunge asked if the property was zoned B-3 or in the process of being rezoned to B-3. Ms. M. Abernathy advised the property is zoned B-3, and the Petitioner will be in front of the Board at their July meeting for the lot size variance.

Mr. Bunge commented the Petitioner's Site Plan shows they are 6 to 8 feet from the 50-foot front yard setback. Mr. Homeier advised they are back 56 feet from the front property line. Mr. Bunge asked if the building could be moved forward to increase the rear yard setback. Mr. Homeier advised it could not due to the radius needed for parking flow and delivery trucks to enter and exit the property. Discussion ensued.

Discussion ensued regarding what was previously located on the property.

Mr. Wilkening asked if there was going to be anything stored outside. Mr. Lee responded in the negative.

Mr. Jackson asked what the hours of operation were going to be for the business. Mr. Marty Thacker responded it would be 8 am to 5:30 pm Monday through Friday, 8 am to 1 pm on Saturdays, and closed Sundays.

Mr. Bunge advised the Petitioner the Board was missing a member and any vote would need a majority of 3 votes, they have the option of deferring if they preferred having a full Board. Mr. Bunge entertained a motion for this petition.

A motion was made by Mr. Kiepura and seconded by Mr. Jackson to approve the Developmental Variance to allow the Petitioner to reduce their west side yard setback from 15 feet to 10 feet, to reduce the rear yard setback from 30 feet to 17 feet, and to allow for parking to be located in the front yard setback with

June 9, 2022

no outdoor storage contingent upon approval at the July BZA meeting for the reduction in lot size per the Findings of Facts. Motion passed by 3-Ayes to 1-Nay by roll-call vote:

Mr. Jackson	Aye
Mr. Wilkening	Nay
Mr. Kiepura	Aye
Mr. Bunge	Aye

2. Henn – Developmental Variance

Owner/Petitioner: Richard Henn, 9303 W 133rd Avenue, Cedar Lake, IN 46303

Vicinity: 9303 W 133rd Avenue, Cedar Lake, IN 46303

Mr. Bunge advised the next order of business is a Developmental Variance to allow the Petitioner to erect a second accessory structure of 14-foot by 12-foot, for a total accessory structure square footage of 8,168 square feet. Mr. Austgen advised the legals are in order.

Richard Henn stated he would like to place all of his yard equipment into one building. He sold the property he previously held his equipment belongings on, and is unable to fit it all. He is currently storing a Cedar Lake Fire truck within the existing pole barn. The shed would not be visible because it would be placed behind the pole barn.

Mr. Kiepura asked the Petitioner if the lawn equipment to be stored in the shed was equipment that was utilized on the property. Mr. Henn responded in the affirmative.

Mr. Kiepura discussed his views of the construction of the pole barn and its location on the property. Mr. Henn stated they had intended on having the pole barn farther back, but they were not able to. Mr. Kiepura commented he is not certain on having any more building done in that area of the property.

Mr. Bunge discussed the setbacks behind the pole barn and the proposed location for the shed.

Mr. Bunge asked if there was any public comment for or against this petitioner; seeing none, Mr. Bunge closed the public hearing for this item.

Ms. M. Abernathy discussed the plans submitted, one has a 30-foot setback from the property line to the pole barn, and the other is 35 feet. Depending on which drawing is correct, the setback for the shed would be 8 feet to 12 feet separation from the rear yard setback. Total lot coverage if the shed is allowed would be 3%.

Mr. Bunge asked for the square footage of the pole barn. Mr. Henn responded the square footage is 8,050. The pole barn itself is 80 by 100 feet, with two offshoots from the roof.

Mr. Bunge asked what the correct separation was for the back yard. Mr. Henn stated he did not recall. Discussion ensued.

Mr. Bunge asked if there was going to be any more development for the property. Mr. Henn responded in the negative.

Mr. Wilkening asked if the petitioner could place an awning off the back of the building. Mr. Henn stated it was an option he has considered. Discussion ensued.

June 9, 2022

Mr. Bunge asked how many doors would be on the shed. Mr. Henn advised there would be one door. Mr. Bunge asked what way the door would be facing. Mr. Henn responded the door would face the east.

Mr. Kiepura asked if there was no additional storage in the pole barn. Mr. Henn responded in the negative. Mr. Kiepura discussed he was not seeing a hardship that would require for the allowance of the variance. Discussion ensued.

Mr. Austgen advised with a Developmental Variance the criteria needed to be met is not a hardship. For a Developmental Variance, the Board needs to find that the strict application of the Zoning Ordinance will result in practical difficulties in the use of the property.

Mr. Bunge advised the Petitioner the Board was missing a member and any vote would need a majority of 3 votes, they have the option of deferring if they preferred having a full Board. Mr. Bunge entertained a motion for this petition.

A motion was made by Mr. Kiepura and seconded by Mr. Jackson to deny the Developmental Variance for the Petitioner to erect a second accessory structure of 14-foot by 12-foot, for a total accessory structure square footage of 8,168 square feet due to the denial not resulting in any practical difficulties per the Findings of Facts. Motion passed unanimously by roll-call vote:

Mr. Jackson	Aye
Mr. Wilkening	Aye
Mr. Kiepura	Aye
Mr. Bunge	Aye

3. Yoways – Developmental Variance

Owner: Chris & Julie Yoways, 11523 Belmont Place, Cedar Lake, IN 46303

Petitioner: Van Deraa and Sons Construction, 9690 Jonathan Court, St. John, IN 46373

Vicinity: 14117 Huseman Street, Cedar Lake, IN 46303

Mr. Bunge advised the next order of business is a Developmental Variance to allow the Petitioner to construct a proposed addition and proposed garage onto the existing house with a front yard setback of 16.5 feet, a rear yard setback of 5 feet, and an accessory size structure totaling 1,804 square feet. Mr. Bunge asked Mr. Austgen if the legals were in order. Mr. Austgen responded in the negative.

Ms. A. Abernathy advised the Petitioner has requested a deferral, with a letter from the Petitioner provided for the same. It had been discussed the advertisement was incorrect and would need to be re-advertised for the July meeting. The advertisement being incorrect was discussed with Mr. Austgen, who advised a deferral. Mr. Austgen commented on the same and stated his recommendation is for the Town pay for the re-advertisement.

Mr. Bunge asked if there was any public comment for or against this petition.

Ms. A. Abernathy advised there had been four letters provided to remonstrate against this petition.

Mr. Kiepura asked if they were still to continue with remonstrance due to the petition not being properly advertised. Mr. Austgen responded in the negative and stated it is being recognized for the record the receipt of the letters. The letters will be referenced in the minutes of the meeting, and part of the public hearing at the next meeting.

June 9, 2022

A member of the audience asked if the letters were available to be read. Mr. Austgen advised they are part of the public record and they can be requested through a public records request.

Mr. Doug Spencer, 8506 West 141st Lane, asked if there would be the opportunity to have public comment for this petition at the July meeting. Mr. Bunge responded in the affirmative.

Upon hearing no further public comment for or against this variance, Mr. Bunge closed the public portion for this petition.

Mr. Wilkening asked if this property was on the lake. Mr. Bunge responded in the affirmative.

Mr. Bunge entertained a motion for a deferral.

A motion was made by Mr. Kiepura and seconded by Mr. Jackson to defer this item to the July meeting. Motion passed unanimously by roll-call vote:

Mr. Jackson	Aye
Mr. Wilkening	Aye
Mr. Kiepura	Aye
Mr. Bunge	Aye

4. Auger – Developmental Variance

Owner/Petitioner: Thomas Auger, Jr., 13172 Parrish Ave., Cedar Lake, IN 46303

Vicinity: 13172 Parrish Ave., Cedar Lake, IN 46303

Mr. Bunge advised the next order business is a Developmental Variance to allow the Petitioner to build a 30-foot by 40-foot wood frame garage, for a total of 1,200 square feet. Mr. Austgen advised the legals are in order.

Greg Carns, representing the Petitioner, stated they are requesting a variance for a 30-foot by 40-foot wood frame-built garage.

Mr. Bunge asked if there were no issues with the setbacks. Mr. Carns responded in the negative and stated they had previously been before the Board for a pole barn and understood the Town's concerns. As such, the plan has been changed erect a stick-built garage with a poured concrete foundation.

Mr. Bunge asked if there has been a significant enough change to the plan to appear before the Board within the year of the denial of the first variance request. Mr. Austgen responded it would depend on the view of the Board and their determination if the variance request has a significant change. Ms. A. Abernathy advised the Board she had discussed this petition with Mr. Salatas and Mr. Recupito and it was determined by both there had been a substantial enough change.

Mr. Bunge asked if there was any public comment for or against this petition.

Mr. Stephen Susko, 13156 Parrish Avenue, advised he owns the duplex north of the Petitioner and commented he did not have an issue with Mr. Auger building the garage. The problem with this petition is the size of the garage on the size of lot and discussed the size of the house in comparison with the size of the garage. While he has a large garage himself, the proposed garage for his neighbor is almost double in size. Concern was also expressed on the placement of the garage and location of utilities.

Mr. Wilkening asked Mr. Susko about his house and if the garage and the house were matching. Mr. Susko responded in the affirmative. Mr. Wilkening asked Mr. Susko if what was south of his garage were two sheds. Mr. Susko stated there were two sheds to the south of the garage in order for each tenant to have their own shed. This was how the property was laid out when he purchased it, and it was his understanding the previous owner had to file for a variance. Mr. Susko discussed different garage sizes in the neighborhood.

Mr. Bunge closed the public hearing for this item.

Mr. Kiepura stated the survey they have indicates the sewer line runs north and the electric line runs south of the proposed garage and asked if the sewer line is for both units. Mr. Carns advised the sewer line is combined under the unit and comes out on the same sewer line. Discussion ensued.

Mr. Kiepura commented his objection remains the same as it was previously, which was the size of this garage on the size of his property. His concern is the garage encompasses both sides of the duplex unit, and if the duplex was to ever be separated and one side sold, the garage would then be infringing on the other side of the property.

Mr. Carns inquired as to what would be considered an acceptable size for the garage. Mr. Kiepura advised if the garage followed the Zoning Ordinance requirements, then the Petitioner would not need a variance. Discussion ensued.

Mr. Bunge asked if there was a potential to separate the property into two lots. Mr. Austgen advised there would need to be a lot of planning aspect to go into separating the property into two lots. Mr. Wilkening asked if the potential separating of the property could require a two-lot subdivision. Mr. Austgen advised it was possible.

Mr. Wilkening discussed the size of the proposed garage and if the garage is shared between the duplex, it would be 600 square foot of garage per unit. Mr. Wilkening asked if the shed for the property was going to be removed. Mr. Auger responded in the affirmative.

Mr. Wilkening commented on the potential of having any motion approval having contingencies of ensuring the locate for utilities is done, having the plans for stormwater and drainage reviewed by the Town Engineer, and the potential for needing to re-swale the property.

Mr. Bunge asked what the lot coverage would be with the proposed garage. Ms. M. Abernathy advised the lot coverage would be 21% with the proposed garage.

Mr. Bunge discussed his concern is that the request is for a building that is 50% over the allowable size by Zoning Ordinance. There have not been enough practical difficulties stated by the Petitioner to convince the Board to allow this size garage.

Mr. Carns advised that there had been some discussion the tenant would not be allowed to utilize the garage. However, the shed contains the tenant's property and they will be allowed to have storage in the garage.

Mr. Wilkening discussed at length the concerns with the previous variance request and the possibility of putting two small garages on each side of the property for each unit. The possibility that the total square footage of all the accessory buildings of the remonstrator could be close to the square footage of the

petitioner. That allowing for the proposed garage of 1,200 square feet, would allow each unit to have 600 square feet, which seems fair.

Ms. M. Abernathy advised the Board, with the Petitioner having a lot size of 13,950 square foot lot, he would be allowed by Zoning Ordinance to have an 800 square foot garage. If the Board allows the 1,200 square foot garage, it would put the Petitioner 33% over the total allowed by Ordinance. Discussion ensued.

Mr. Wilkening asked what would be an acceptable size. Mr. Bunge responded if the building was within 20% of the maximum accessory structure size, for approximately a 960 square foot accessory structure size. Mr. Carns advised the Petitioner is agreeable to a 960 square foot garage size and amended the request to the same.

Mr. Bunge advised the Petitioner the Board was missing a member and any vote would need a majority of 3 votes, they have the option of deferring if they preferred having a full Board. Mr. Bunge entertained a motion for this petition.

A motion was made by Mr. Wilkening and seconded by Mr. Jackson to approve the Developmental Variance to allow the Petitioner to build wood frame garage at a total of 960 square feet contingent upon Mr. Oliphant reviewing the stormwater and proposed underground drainage per the Findings of Facts. Motion passed by 3-Ayes to 1-Nay by roll-call vote:

Mr. Jackson	Aye
Mr. Wilkening	Aye
Mr. Kiepura	Nay
Mr. Bunge	Aye

5. VanderPloeg – Developmental Variance

Owner/Petitioner: Mark VanderPloeg, 13701 Lauerman Street, Unit 42, Cedar Lake, IN 46303

Vicinity: 13301 Lincoln Plaza Way, Cedar Lake, IN 46303

Mr. Bunge advised the next order business is a Developmental Variance to allow the Petitioner to have two signs for a total square footage of 73 square feet, which is 28 square feet over the allowable signage for the building. Mr. Austgen advised the legals are in order.

Mr. VanderPloeg stated they would like to install a sign for the property along 133rd Avenue and discussed the previous plans they had thought of for the property. When they submitted the plan for the illuminated sign along 133rd Avenue, they were advised this sign put them over the amount of signage allowed due to their frontage being off of Lincoln Plaza Way.

Mr. Kiepura asked if there was a sign on the front of the property. Mr. VanderPloeg responded in the affirmative. Mr. Kiepura asked what the square footage was of the sign on the front of the building. Mr. VanderPloeg advised the sign on the front of the building was approximately 31 feet and the proposed sign along 133rd Avenue is approximately 24 feet long by 25.25 inches, for a total square footage of 42.78. Discussion ensued.

Mr. VanderPloeg discussed at length the change in Zoning Ordinance and the impact it has had on the signage that they were looking at installing on the building. How the linear footage along their frontage is

shorter than the frontage on 133rd Avenue, and if they had been faced off of 133rd Avenue, they would not need a variance for the signage.

Mr. Wilkening asked if all the signs calculated together would be under the 73 square feet. Ms. M. Abernathy responded in the negative and advised the Petitioner is requesting the Developmental Variance due to being 28 square feet over the allowable total square footage. Discussion ensued.

Mr. Wilkening asked the Petitioner if the sign along 133rd Avenue will have lighting. Mr. VanderPloeg responded in the affirmative. Mr. Wilkening asked when the sign would be turned off. Mr. VanderPloeg advised the business was going to close at 7 pm and he can turn the light off at any time. Mr. Wilkening commented on having the light turned off at 10 or 11 pm would be desirable. Discussion ensued.

Mr. Wilkening asked Mr. Austgen if there needs to be any concern for the Developmental Variance request stating two signs. Mr. Austgen responded in the negative.

Mr. Bunge asked if there was any public comment for or against this petition; seeing none, Mr. Bunge closed the public hearing for this item.

Mr. Bunge advised the Petitioner the Board was missing a member and any vote would need a majority of 3 votes, they have the option of deferring if they preferred having a full Board. Mr. Bunge entertained a motion for this petition.

Ms. M. Abernathy did confirm that Mr. VanderPloeg had been caught by the changing of the Zoning Ordinance when he was working on obtaining his sign permits. Mr. Wilkening commented he feels the plan presented by the Petitioner is much nicer looking than the use of a monument pole.

Mr. Bunge asked if there were any intentions on having some lights on the front. Mr. VanderPloeg advised they have some lights on the front that are programmed to turn off at 10 pm.

A motion was made by Mr. Wilkening and seconded by Mr. Jackson to approve the Developmental Variance to allow the Petitioner to have a total square footage of signage of 73 square feet, which is 28 square feet over the allowable signage for the building with the signage to be turned off at 11 PM per the Findings of Facts. Motion passed unanimously by roll-call vote:

Mr. Jackson	Aye
Mr. Wilkening	Aye
Mr. Kiepura	Aye
Mr. Bunge	Aye

6. Drew – Developmental Variance

Owner/Petitioner: Carl Drew, 11305 W 126th Avenue, Cedar Lake, IN 46303

Vicinity: 11305 W 126th Avenue, Cedar Lake, IN 46303

Mr. Bunge advised the next order business is a Developmental Variance to allow the Petitioner to build an addition onto his existing garage, to increase the roof height of the garage to 14 feet, 9 and 7/8 inches and to allow for three existing accessory structures with a total accessory structure size of 1295.3 square feet. Mr. Austgen advised the legals are in order.

Mr. Drew stated he has two historic cars that he needs to make space for inside of his garage. His plan is to expand the garage size to allow for the storage of the cars.

Mr. Bunge inquired if the 14 feet, 9 and 7/8 inches is to be the proposed height of the garage after the addition is to match the roof line of the house. Mr. Drew responded in the affirmative and noted he was going to be replacing the roof with a gabled roof with a 3/12 pitch. He is wanting to get an over-under hoist in the garage to be able to place two cars on one side of the garage. The other accessory structures were already in existence when he purchased the property in 2011.

Mr. Bunge asked if either of the sheds could be removed. Mr. Drew responded in the affirmative and stated he would be amenable to removing the smaller shed from the property. Discussion ensued.

Mr. Kiepura asked Mr. Drew how many cars can fit in the garage as it currently is built. Mr. Drew responded the garage is a 1 and 1/2 car garage. Mr. Wilkening asked if the Petitioner was wanting to increase the footprint of the existing garage. Mr. Drew responded in the affirmative and discussed the plans he submitted for the BZA.

Mr. Bunge asked what the proposed size of the garage was after the addition. Mr. Drew responded it would be 30.5 feet by 28 feet, with the garage to be approximately 996.3 square feet total. Discussion ensued.

Mr. Kiepura commented if the Petitioner is wanting to remove a shed, then what is being discussed would be the addition to the garage, and the garage would be under the square footage. Mr. Bunge stated that was correct. However, with the inclusion of one of the storage sheds, it would be over 1,000 square feet allowable. With the reduction of the 8- by 12-foot accessory structure, the amount of total accessory structure would be reduced by 96 square feet. Discussion ensued.

Mr. Bunge asked if there were going to be two single car doors on the garage. Mr. Drew responded in the affirmative and advised they would be 8 feet tall and 9 feet wide, with a man-door on the front, and two windows on the garage.

Mr. Wilkening asked what was the height requirement needed for the 2-car hoist. Mr. Drew responded he would need 6 feet underneath and 5 feet above the hoist.

Mr. Wilkening asked for clarification that the peak of the garage was 14 feet. Mr. Drew responded it was 14 feet, 9 and 7/8 inches, with a 3/12 pitch to match the roof of the house.

Mr. Wilkening asked if there was going to be the inclusion of any other hoists in the garage. Mr. Drew responded in the negative.

Mr. Bunge asked if there was any public comment for or against this petitioner; seeing none, Mr. Bunge closed the public hearing for this item.

Mr. Drew shared a photograph of his neighbor's garage with the Board.

Ms. M. Abernathy advised if Mr. Drew is allowed to keep all 3 accessory structures, the lot coverage will be 9%. However, if the smaller structure is removed, the lot coverage will be 7.4%. The total accessory structure square footage for the property, with the exception of the smaller structure, would be 1192.82. Further discussion ensued regarding the roof height and roof style.

June 9, 2022

Mr. Wilkening asked for Mr. Drew's plan for construction. Mr. Drew discussed his plans for constructing the garage, including having the shingles and siding match the house.

Mr. Bunge advised the Petitioner the Board was missing a member and any vote would need a majority of 3 votes, they have the option of deferring if they preferred having a full Board. Mr. Bunge entertained a motion for this petition.

A motion was made by Mr. Wilkening and seconded by Mr. Jackson to approve the Developmental Variance to allow the Petitioner to build an addition onto his existing garage; increase the roof height of the garage to 14 feet, 9 and 7/8 inches with the third 8-foot by 12-foot shed demolished before final inspection of the garage, with a total accessory structure size of 1192.82 square feet, with only one 2-car hoist allowed per the Findings of Facts. Motion passed unanimously by roll-call vote:

Mr. Jackson	Aye
Mr. Wilkening	Aye
Mr. Kiepura	Aye
Mr. Bunge	Aye

7. Wydra – Developmental Variance

Owner/Petitioner: Lori A. & Mark J., Wydra, 14909 Carey St., Unit A, Cedar Lake, IN 46303

Vicinity: 14909 Carey St., Unit A, Cedar Lake, IN 46303 Mr. Recupito advised the next

Mr. Bunge advised the next order business is a Developmental Variance to allow the Petitioner to construct a pool 4.25 feet from the house, requesting a 5.75-foot difference from the required 10 feet from the house. Mr. Austgen advised the legals are in order.

Lori Wydra stated she was requesting a 4.25-foot separation from the house, and advised the Board, the pool would be closer to 5 feet from the house. She is aware that it should be 10 feet from the house. However, due to the width of the easement, they are unable to keep the separation requirement.

Mr. Bunge asked if the pool was going to be 15 feet in diameter. Ms. Wydra responded in the affirmative. Mr. Bunge asked where the Petitioner intended on installing the pump and filter for the pool. Ms. Wydra responded it would be located on the side with the patio due to the location of the electrical box. Mr. Bunge asked if this would be any closer to the house than the pool. Ms. Wydra responded in the negative.

Mr. Kiepura discussed the yards in this neighborhood being 35 feet in length, with a 15-foot easement. As well, the yard is sloped and would need some form of excavation or fill-in of dirt. The major concern for him is the pool being 5 feet from the house, which to him is unsafe and an unwelcome distance.

Mr. Kiepura asked the Petitioner to clarify if the filter and the heater for the pool will be located on the north side. Ms. Wydra advised there would not be a heater for the pool. The filter will be located on the north side. Discussion ensued.

Ms. Wydra advised where the pool is going to be located, there is a minimal decline. As such, most of the pool will not be on any form of a decline. There will be some minor excavation to level out the area where the pool will be located. Being located on the corner, there is ample drainage for the pool.

June 9, 2022

Mr. Kiepura reiterated his concerns for safety in regards to the location of the pool. Ms. Wydra stated she had extensively thought of safety factors with a pool, and the distance would not matter if anything would happen to the pool. Mr. Wilkening advised something happening to the pool was not the safety concerns Mr. Kiepura was expressing. Mr. Kiepura advised his safety concern is if someone were to climb onto the roof of the property and dive into the pool. Discussion ensued.

Ms. Wydra asked if she was able to install a 10-foot by 16-foot oval pool, she would meet the required setbacks and not need a Developmental Variance. Mr. Bunge stated that sounds to be correct. Discussion ensued.

Mr. Kiepura advised the Petitioner she would need to have a fence around the pool or on the property to ensure safety. Ms. Wydra stated she intends to have an attached fence around the top of the pool, with a locking gate ladder. They plan on installing a fence around the property in the future.

Mr. Bunge asked if there was any public comment for or against this item.

Ms. Janette Taylor, 14902 B Drummond Street, presented pictures to the Board, and remonstrated against, expressing concern with the location of the pool and the effect on their resale value.

Ms. Taylor asked the Board if the pool is within compliance, is it still allowed. Mr. Bunge discussed unless there are restrictions from the subdivision, they are allowed to install the pool if it meets Zoning Ordinance. Discussion ensued.

Ms. Taylor asked if the Board would have any say on the pool if the Petitioner were to meet the Zoning Ordinance. Mr. Wilkening responded if the Petitioner meets the required criteria, then the Board would not have any say over the addition of the pool. Mr. Bunge advised if the Petitioner can meet all requirements, there is no need for a Developmental Variance request.

Mr. Bunge advised if there is a Homeowner's Association and if they have any determination on if the Petitioner's can install the pool. Mr. Kiepura commented that there is no Homeowner's Association.

Mr. Bunge asked if there were any other public comment for or against this item, and stated there is written correspondence provided to the Town. Ms. A. Abernathy advised the written correspondence included in the packet to the Board was provided by the remonstrator who just spoke.

Mr. Bunge read the written communications into the record:

zoning Board of Cedar Lake, 6-2-22
Objections and Concerns of pool
at 14907 A Carey in Lynnsway Subdivision.
1. Too Close to our property lines.
2. Chlorine splashing on our grass.
3. noise increase close to our
bedroom windows.
4. Safety for our grandchildren when
they visit.
5. Back yards are small - not
aesthetically pleasing - may
hurt our resale value.
No one wants to buy a house with
some one else's pool in their back
yard. Homes are built too close.

Mr. Bunge closed the public comment for this item upon seeing no further public comment.

Ms. M. Abernathy stated if she was granted the variance request, the lot coverage would be at 15.75%.

Mr. Wilkening asked for clarification on if there was or was not a Homeowner's Association for this property. Mr. Kiepura clarified there was not a Homeowner's Association. Homeowner's Association in Lynnsway were dependent upon who the builder was for the property.

Mr. Kiepura clarified if the Petitioner chooses to go with the 10- by 16-foot oval pool, meeting all Zoning Ordinance requirements, all that would need to happen is go see the Building Department and obtain a Building Permit. Mr. Austgen advised that was correct.

Mr. Bunge advised the Petitioner she could comply with the Zoning Ordinance, she could continue with her variance request, or request a deferral to confirm a 10- by 16-foot oval pool will fit before requesting a withdrawal.

The Petitioner withdrew her petition. The withdrawal was acknowledged.

2. Boulas – Developmental Variance – Continued

Owner/Petitioner: Pete Boulas, 2929 Painted Leaf Drive, Crown Point, IN 46307

Vicinity: 13008 Knight Street, Cedar Lake, IN 46303

Mr. Bunge returned to the order of business for the Developmental Variance for Petitioner Mr. Pete Boulas. A petitioner was still not present. Mr. Austgen advised the Board, they may proceed.

Mr. Wilkening requested a brief discussion on what had been requested at the last Board meeting. Mr. Bunge discussed where the property was located, which properties were the Petitioner's, and their presentation from the May BZA meeting. Discussion ensued.

Mr. Wilkening expressed concerns of a house being built on a 50-foot-wide lot.

Mr. Kiepura asked if this property would fall under the Legacy Lot considerations, or would it need to meet the R-2 Zoning requirements. If this property is part of the Legacy Lot considerations, the lot size would need to be 5,000 square feet. Mr. Wilkening commented he thought Legacy Lots were for property that only had houses on them, and not a vacant lot. Discussion ensued.

Mr. Bunge asked if there was any public comment for or against this petition; seeing none, Mr. Bunge closed the public hearing for this item.

A motion was made by Mr. Wilkening and seconded by Mr. Kiepura to deny the Developmental Variance for the Petitioner to construct a two-story home with a ground floor area of 741 square feet, with a front yard setback of 29 feet 6 7/8 inches on lot with a width of 50 feet and an area of approximately 6,098.4 square feet on a property located at 13008 Knight Street per the Findings of Facts which include the variance is not conducive to the Comprehensive Master Plan, there is no hardship, and no practical difficulties have been presented. Motion passed unanimously by roll-call vote:

Mr. Jackson	Aye
Mr. Wilkening	Aye

Board of Zoning Appeals

June 9, 2022

Mr. Kiepura Aye

Mr. Bunge Aye

PUBLIC COMMENT: Mr. Bunge opened the floor for Public Comment.

Mr. Kiepura asked if there has been any information on what is occurring at the golf course or if there had been any permits pulled. Furthermore, the previous owner was required to mow 150 feet from the street and if this is being enforced with the new owner. Ms. A. Abernathy advised there had been Building Permits pulled for the work they have done.

Mr. Wilkening asked if the answers were not readily available, could the Board could solicit inquiries for their questions and receive updates via e-mail or at their next meeting. Mr. Austgen advised the information would be considered Public Record. Mr. Wilkening clarified he was asking if the Board, in part or in whole could request information to receive an update at the next Board meeting. Mr. Austgen stated it would be Public Record and can be achieved by requesting the Public Records.

Mr. Wilkening asked if Mr. Kiepura would need to fill out a Records Request for the information. Mr. Austgen responded in the negative and advised it could be asked for at a meeting, and have the information provided to them.

Mr. Bunge commented he was concerned with the mowing along the south portion of the property not being complete to the same degree the mowing of the north side of the property is being done, and could potentially cause for an increase in bugs and pests in that area and asked if the 150 feet mowing width was per regulation or Ordinance. Mr. Kiepura advised it was per Ordinance. Discussion ensued.

ADJOURNMENT: Mr. Recupito adjourned the meeting at 8:26 p.m.

TOWN OF CEDAR LAKE BOARD OF ZONING APPEALS

Nick Recupito, Chairman

Jeff Bunge, Vice Chairman

John Kiepura, Member

Jerry Wilkening, Member

Ray Jackson, Member

ATTEST:

Ashley Abernathy, Recording Secretary

The Minutes of the Cedar Lake Board of Zoning Appeals are transcribed pursuant to IC 5-14-1.5-4(b) which states:

(b) As the meeting progresses, the following memoranda shall be kept:

(1) The date, time, and place of the meeting.

(2) The members of the governing body recorded as either present or absent.

(3) The general substance of all matters proposed, discussed, or decided.

(4) A record of all votes taken by individual members if there is a roll call.

(5) Any additional information required under section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication.

Cedar Lake Board of Zoning Appeals: June 9, 2022, Minutes