



CEDAR LAKE BOARD OF ZONING APPEALS MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
February 9, 2023 at 6:30 pm

CALL TO ORDER:

Mr. Bunge called the Board of Zoning Appeals meeting to order at 6:30 pm, on Thursday, February 9, 2023 with its members attending on-site. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present Via Zoom: None. **Members Present:** Eric Burnham; Greg Parker; Ray Jackson; John Kiepura, Vice Chairman; Jeff Bunge, Chairman. A quorum was obtained. **Also Present:** David Austgen, Town Attorney; Ashley Abernathy, Planning Director; Cheryl Hajduk, Recording Secretary. **Absent:** None.

Approval of Minutes:

Mr. Bunge entertained a motion for the Minutes of the January 12, 2023; a motion was made by Mr. Kiepura and seconded by Mr. Burnham to approve the same. Motion passed unanimously by roll-call vote:

Mr. Burnham Aye
Mr. Parker Aye
Mr. Kiepura Aye
Mr. Bunge Aye
Mr. Jackson Aye

Old Business:

1. 2022-47 White – 8017 West 146th Avenue – Developmental Variance – Continued Public Hearing

Owner/Petitioner: Glenn & Heather White, 8017 W 146th Ave, Cedar Lake, IN 46303

Vicinity: 8017 W 146th Ave, Cedar Lake, IN 46303

Mr. Bunge stated the first order of Old Business is to allow Petitioner to construct a 20-foot by 26-foot garage with 5 feet of separation between the garage and the house.

Ms. Abernathy stated the Petitioners realized they had an additional 10 feet that they were unaware they had. They are able to meet and comply with the Zoning Ordinances and are requesting a withdrawal from the Board.

A motion was made by Mr. Burnham and seconded by Mr. Kiepura to accept the withdrawal for this Petition. Motion passed unanimously by roll-call vote:

Mr. Burnham Aye
Mr. Parker Aye
Mr. Kiepura Aye
Mr. Bunge Aye
Mr. Jackson Aye

2. 2022-52 Kracht– 12841 Wicker Avenue – Variance of Use

Owner: Cedar Lake Commercial, LLC, PO Box 657, St. John, IN 46373

Petitioner: Kendra Kracht, 530 E South Street, Crown Point, IN 46307

Vicinity: 12841 Wicker Avenue, Cedar Lake, IN 46303

Mr. Bunge stated that the next order of Old Business is for a Variance of Use to allow Petitioner to operate a B-3 use in an existing building located in a B-2 Zoning District. The Business Operating plan to include: a retail store, three rage rooms, a room for glass throwing only, one stage for open mic night, snack shop, arcade room and for additional use for two private studios for an art studio and music studio to be located upstairs not accessible to the public. Mr. Austgen advised the legal's are in order.

Mr. Vis, Vis Law, on behalf of the Owner and Petitioner, stated this location is located in an area that is zoned B-2 but also located in a B-3 overlay district. A new parking plan has been submitted to Ms. Abernathy and it meets the requirements of the Town for the proposed use. A new proposed lighting plan has been submitted. There has been a concern raised by an adjacent neighbor that past tenants had used an area adjacent to the parking lot to drive across her backyard and this was unbeknownst to the owner. The Petitioner can ensure this will be employee parking. In the Use Agreement, the owner would put up a stretch of arborvitae along that side of the parking lot to prevent someone driving through that particular area, should the driving across adjacent property continue.

Mr. Vis stated another concern raised by this Board was safety and oversight. There is an email from the Petitioner's insurance carrier stating they have never received a claim for violence, also the Petitioners have reached out to other venues in the Midwest and the responses they received said they have no problems of violence.

There has been a question of the ages groups being on site whether parental approval is required. A modification was done and the ages of 12 to 14 would need a parent on site. Anyone the ages of 15 to 17 would need a parent or guardian in person to sign the waiver in front of an employee. There are cameras in each of the smash rooms that can be monitored from the front desk. There

is a maximum of two people allowed in the smash rooms at all times and an employee will be by the front door of each of these rooms. On the nights of a venue going on, there would be an employee in that room. Ms. Kracht stated the hours of operation would be Wednesday through Friday, 4 pm to 10 pm and Saturday and Sunday, 2 pm to 10 pm. Mr. Vis stated there would be no alcohol sold on the premises.

Mr. Vis stated there is a Use Commitment on what the Petitioners are willing to commit to and it would be recorded against the property and would bind the Petitioner's to those particular uses; such as, parking, number of employees, who can participate in smash rooms, the purpose of the venue and how many people can be within and as well as verifying any garbage created how that will be stored on the premises.

Discussion ensued in length regarding the Town having a rage room.

Mr. Kiepura asked do all the variances go with the business. Ms. Abernathy commented in the Use Commitment, Mr. Vis has it written in this commitment, and will be for this Petitioner only. If they were to leave, the variance would go away.

Mr. Kiepura commented if this motion gets approved, they would need to come back in six months and report on how the operation is going.

Mr. Bunge opened the floor for public comment; seeing none, Mr. Bunge closed the floor for public comment.

Mr. Kiepura asked if a legal review is needed. Mr. Austgen commented there are several documents that need reviewing and most of what we talked about is contained, but everything needs to be included and we are close. The communication on Mr. Vis's letterhead will be held to that. There is a variance commitment that will accompany the letter.

Ms. Abernathy stated she reached out to other municipalities that had or have some sort of a rage room, and received feedback and there haven't been any problems. There were discussions from our Town Officials which will be included.

Mr. Vis stated the safety equipment used are face shields, face goggles, gloves and these items are required by the insurance carrier. Only approved items can be brought in to be smashed.

Mr. Bunge asked about the capacity regarding open mic nights. Ms. Abernathy stated she is working with Fireman Jimmy Schultz and he will get back to me regarding capacity. Mr. Vis commented in the Use Commitment that the Petitioner's will submit the maximum participation as determined by the Town. Mr. Austgen asked if this is in the last draft of the Use Commitment. Mr. Vis responded in the affirmative.

Discussion ensued regarding multiple uses and zoning.

Mr. Bunge stated this would be a recommendation to the Town Council and any motion that is made should be made in the form of a recommendation.

A motion was made by Mr. Kiepura and seconded by Mr. Burnham to send a favorable recommendation to the Town Council for a Variance of Use to allow the Petitioner to operate a B-3 use in an existing building located in a B-2 Zoning District. The Business Operating plan is to include: a retail store, three rage rooms, a room for glass throwing only, one stage for open mic night, snack shop, arcade room and for additional use for two private studios for an art studio and music studio to be located upstairs not accessible to the public. A request that the Petitioner's return in six months of opening date and give an update of business operations. Also, completion of the commitment that was proposed by the Petitioner and his clients merging all of the Terms and Agreements in this Public Hearing and including Findings of Facts.

Motion passed unanimously by roll-call vote:

Mr. Burnham Aye
Mr. Parker Aye
Mr. Kiepura Aye
Mr. Bunge Aye
Mr. Jackson Aye

New Business:

1. 2023-03 Price Point – 13655 Muir Street – Developmental Variance

Owner: Jon & Kathleen Dingler, 13655 Muir Street, Cedar Lake, IN 46303

Petitioner: Price Point Builders, LLC, PO Box 1343, Crown Point, IN 46307

Vicinity: 13655 Muir Street, Cedar Lake, IN 46303

Mr. Bunge advised the first order of New Business is a Petitioner requesting a Developmental Variance to construct a 24-foot by 24-foot garage in the front yard setback on a residential lot. Mr. Austgen advised the legals are in order.

Mr. Bruce Young, Price Point Builders, stated they are looking for a Developmental Variance for a 24-foot by 24-foot garage. The house is on a peculiar lot, but they are looking to put the garage in the front. There is a steep area in the back and off to the side is a water run-off section that is over drainage for the subdivision. The garage will face toward the back of the lot.

Mr. Bunge opened the floor for any remonstrators for this variance.

Mr. Richard Tiel, 11363 West 135th Place, stated he thought it was a good idea and the garage will not be eyesore and in the back there is a very steep ravine.

Mr. Bunge closed the portion for public comment.

Mr. Parker asked if there was going to be anyone living in the upstairs of the garage. Mr. Young responded in the negative.

February 9, 2023

Mr. Bunge asked about height requirements for the garage. Ms. Abernathy stated a detached garage is allowed to match the pitch of the house per the ordinance. Ms. Abernathy read Chapter 11, Section A, Paragraph C. regarding garage height from the Zoning Ordinance. As long as it is matching the residential structure, it can exceed the height allowable. Discussion ensued.

Ms. Abernathy commented the Ordinance does not allow anyone to build any permanent structure on an easement.

Mr. Austgen asked how big is the lot. Ms. Abernathy responded .61 acre and she reviewed this variance with Mr. Tim Kubiak to find another potential place to build the garage with the 60-foot drainage easement in the rear and with the topography, they could not find other place on the lot to meet with the Zoning Ordinance.

A motion was made by Mr. Burnham and seconded by Mr. Kiepura to accept the Development Variance to allow Petitioner to construct a 24-foot by 24-foot garage in the front yard setback of the residences lot to the Findings of Fact. Motion passed unanimously by roll-call vote:

Mr. Burnham Aye
Mr. Parker Aye
Mr. Kiepura Aye
Mr. Bunge Aye
Mr. Jackson Aye

PUBLIC COMMENT: Ms. Abernathy commented next week there will be a BZA and Plan Commission Training Session from the Town Attorney. The Town Council has been invited and he will go over Rules and Regulations and Requirements from the State.

ADJOURNMENT: Mr. Bunge adjourned the meeting at 7:20 p.m.

TOWN OF CEDAR LAKE BOARD OF ZONING APPEALS

Jeff Bunge, Chairman

John Kiepura, Vice Chairman

Eric Burnham

Greg Parker

Ray Jackson

ATTEST:

Cheryl Hajduk, 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: February 9, 2023 Minutes