



CEDAR LAKE BOARD OF ZONING APPEALS MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
May 11, 2023 at 6:30 pm

CALL TO ORDER:

Mr. Bunge called the Board of Zoning Appeals meeting to order at 6:31 pm, on Thursday, May 11, 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 April 13, 2023; a motion was made by Mr. Parker and seconded by Mr. Burnham to approve the same. Motion passed unanimously by roll-call vote:

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

Variance Extension Requests:

1. 2022-14 – Wicker Enterprise – 13495 Wicker Avenue

Owner/Petitioner: Wicker Enterprise LLC – 13321 Wicker Avenue

Vicinity: 13495 Wicker Avenue, Cedar Lake, IN 46303

Mr. Bunge stated this is a Variance Extension Request that the Petitioner is requesting an extension on their previously approved Developmental Variance.

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Ms. Abernathy stated she does not see the lawyers from the law firm; however, there is a letter in the meeting iPad where they are requesting an extension. It took longer to get site plan approval; they just received it at the beginning of this year. They just closed on the property in mid-March. Part of the reason they are requesting an extension is to allow time to get together the Performance Letter of Credit and pay the inspection fee prior to pulling their building permit.

A motion was made by Mr. Kiepura to grant the request for an extension on the previously approved Developmental Variance and seconded by Mr. Parker. Motion passed unanimously by roll-call vote:

Mr. Burnham Aye

Mr. Parker Aye

Mr. Jackson Aye

Mr. Kiepura Aye

Mr. Bunge Aye

2. 2022-12 – 141 Partners LLC – 10702 W 141st Avenue

Owner: Mike Neubauer, 8913 W 142nd Place, Cedar Lake, IN 46303

Petitioner: 141 Partners LLC, 8913 W. 142nd Place, Cedar Lake, IN 46303

Vicinity: 10702 W 141st Avenue, Cedar Lake, IN 46303

Mr. Bunge stated that the Petitioner is requesting their previously approved Variance of Use be extended.

Mr. Russ Pozen, DVG, Inc., 1155 Troutwine Road, Crown Point, IN, stated we are the Civil Engineers representing the 141 Partners LLC. This extension is because of the Engineers. We had some internal turnover and took us awhile to get the drawings and design up to par and approved by Mr. Oliphant and their team. We have final primary Engineering approval and are working on the secondary plat. We are getting close to being passed the one year for the Use Variance, which we need to extend so we can finalize everything. My client is getting bids and wants to build this.

Ms. Abernathy commented the preliminary comments that Mr. Oliphant had from the primary plat and site plan have been addressed and we are waiting for submission and final plat approval before they can pull permits.

Ms. Abernathy stated since this had been a Variance of Use, it would need a recommendation to the Town Council on the extension.

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A motion was made by Mr. Parker to send a favorable recommendation to the Town Council and citing the fact that there are no changes and seconded by Mr. Kiepura. Motion passed unanimously by roll-call vote:

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

Old Business:

1. 2022-41 Burrink – 14335 Truman Street – Developmental Variance – Continued Public Hearing

Owner/Petitioner: Robert & Kathleen Burrink, 14335 Truman Street, Cedar Lake, IN 46303

Vicinity: 14335 Truman Street, Cedar Lake, IN 46303

Mr. Bunge stated that the Petitioner is requesting a Developmental Variance Continued Public Hearing from previous months.

Ms. Abernathy stated nobody was present and there has been no correspondence.

Ms. Abernathy commented at the Storm Water Meeting, they are going to clean up the north end of the property to see how that helps the drainage flow. The other option would be curb and gutter be installed. The Town Engineer was concerned about the front yard setback and at the March 14, 2023 meeting he estimated it was 6 to 8 feet maximum from the property line to the front of the house. At the April 2023 meeting he said it was estimated 5 feet from the edge of the pavement to the front of the house. The concern is that any approval would be for a zero-foot setback from the road. The Town Engineer feels the survey provided is inaccurate and they were advised to get a state survey to determine how far that house is setback from the road. Discussion ensued regarding parking and the garage to the house.

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

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

New Business:

1. 2023-09 Martinez – 15035 Ivy – Developmental Variance

Owner/Petitioner: Thomas Martinez, 15035 Ivy Street, Cedar Lake, IN 46303

Vicinity: 15035 Ivy Street, Cedar Lake, IN 46303

Mr. Bunge stated that the Petitioner is requesting a Developmental Variance to construct a 6-foot privacy fence on a through lot served by sidewalks. Mr. Austgen stated the legals are in order for Public Hearing.

Mr. Thomas Martinez, 15035 Ivy Street, Cedar Lake, stated they would like to put up a privacy fence at the back of the property and in the front. The reason for wanting a privacy fence is for privacy and to cut down the noise from Parrish Avenue, security and to stop rocks from hitting the windows and siding on the house when the grass is being cut.

Mr. Bunge commented there is a site plan and asked where the fence will be. Mr. Martinez commented where the two neighbors on both sides where their fence ends will and not extend it out any further than they are. Discussion ensued.

Mr. Bunge commented he was more concerned with the fencing on the side yards. The sketch shows that the fence is being bumped back from the front of the house a short amount. Mr. Martinez stated the fence won't go up to the front of the house on both sides and on the south side the fence might come up to the side of the house about six feet and on the other side maybe 12 or 15 feet.

Mr. Parker asked are there two different distances because of the variance request in the past where one was granted separately than the other one. Ms. Abernathy commented it just looks like one when up to the corner of their garage and the other stopped at the rear of the house.

Mr. Bunge asked if there were any remonstrators for or against this variance. Seeing none; public portion of this hearing is closed.

Mr. Jackson asked if the two utility boxes will be outside of the fence. Mr. Martinez commented two of them are.

Mr. Bunge asked if the fence will be built over the utility easement. Mr. Martinez commented there is an easement in my backyard. Discussion ensued.

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A motion was made by Mr. Burnham to approve the variance request of a 6-foot privacy fence, including the Findings of Fact and seconded by Mr. Kiepura. Motion passed unanimously by roll-call vote:

Mr. Burnham Aye

Mr. Parker Aye

Mr. Jackson Aye

Mr. Kiepura Aye

Mr. Bunge Aye

2. 2023-10 Hugg – 12733 Edison Street – Developmental Variance

Owner/Petitioner: Donald Hugg, 12733 Edison Street, Cedar Lake, IN 46303

Vicinity: 12733 Edison Street, Cedar Lake, IN 46303

Mr. Bunge stated that the Petitioner is requesting a Developmental Variance to allow the construction of a detached garage in the front yard of a residential lot, with a setback of 6 feet from the house, 3 feet from the left property line, and 2 feet from the rear property line, with an overall lot coverage of 28.2%. Mr. Austgen advised the legals are in order for Public Hearing.

Mr. Donald Hugg, 12733 Edison Street, Cedar Lake, IN stated he would like to build a garage the size of 20 feet by 26 feet.

Mr. Jackson asked if the garage was going on the existing pad. Mr. Hugg commented part of the pad will be chopped and the white shed is coming down. Mr. Bunge asked if the new garage can be attached to the house. Mr. Hugg commented if he had a foundation, then it would be attached to the house. Discussion ensued.

Mr. Bunge asked how close is the neighbor to the east. Mr. Hugg stated 25 to 30 feet. Ms. Abernathy stated approximately 20-feet on the neighbor to the north from the easement to their house to the property line according to Lake County GIS.

Mr. Bunge asked if there is a fence that encroaches on the property. Mr. Hugg responded in the affirmative and was not meant to be permanent. Discussion ensued.

Mr. Austgen asked will the wooden fence be taken down. Mr. Hugg responded in the affirmative. Mr. Austgen stated we want to make sure there isn't an encroachment.

Mr. Bunge stated the reason why we have the 10-feet of separation between buildings is for safety. Discussion ensued.

Mr. Bunge asked if there were any remonstrators for or against this variance. Seeing none; public comment is closed.

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Ms. Abernathy commented Mr. Tim Kubiak stated he would like to see 6-feet of separation from the rear to the back of the garage. The potential issue with this is it would require a new public hearing because we are needing front yard setback.

Mr. Parker commented this meets the conditions of a hardship and would 6-feet of separation make much of a difference. Ms. Abernathy commented if it were a legacy lot, it would be 5-feet for side yard and 10-feet for rear yard.

A motion was made by Mr. Kiepura to approve the variance to allow the construction of a detached garage in the front yard of a residential lot with setback of 6-feet from the house, 3-feet from the left property, 2-feet from the rear property line with the overall lot coverage of 28.2% with a stipulation that the existing wood fence will be demolished and removed. A new privacy fence will be installed on the property line and there will not be a door installed on the North wall of the house and including the Findings of Fact and seconded by Mr. Parker.

Motion passed unanimously by roll-call vote:

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

PUBLIC COMMENT:

Ms. Abernathy commented she has a request to the Board. Back in 2021, Mr. Rick Eberly and Ms. Jill Murr had been discussion to update the Rules and Regulations and the request is there is some conflict between the Rules and Regulations with the Zoning Ordinance. The Zoning Ordinance only requires for one newspaper publication and the Rules and Regulations require two. We have been following the rules but we would like the Board's permission to proceed with the Zoning Ordinance for one publication.

Mr. Burnham asked if a motion was needed. Mr. Austgen stated The Board of Zoning Appeals with regulations can be done and some clarity is needed.

A motion was made by Mr. Burnham to modify the Board of Zoning Appeals Rules and Regulations procedures to require one newspaper publication for a Notice of Public Hearing before the Board and seconded by Mr. Parker. Motion passed unanimously by roll-call vote:

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

ADJOURNMENT: Mr. Bunge adjourned the meeting at 7:08 p.m.

TOWN OF CEDAR LAKE BOARD OF ZONING APPEALS

Jeff Bunge, Chairman

John Kiepora, 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: May 11, 2023 Minutes