



CEDAR LAKE BOARD OF ZONING APPEALS MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
July 13, 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, July 13, 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; and Cheryl Hajduk, Recording Secretary. **Absent:** none

Approval of Minutes:

Mr. Bunge entertained a motion for the Minutes of the May 11, 2023 and June 8, 2023 meetings; a motion was made by Mr. Kiepura and seconded by Mr. Jackson 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

Old Business:

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

Owner/Petitioner: Robert & Kathleen Burrink, 14353 Truman Street, Cedar Lake, IN 46303
Vicinity: 14335 Truman Street, Cedar Lake, IN 46303

Mr. Bunge stated the first order of old business is Petitioner requesting a Developmental Variance to construct an addition onto the house with a front yard setback of 5-feet, a side yard setback of 4-feet, and an overall lot coverage of 30%.

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Mr. Robert Burrink, 14353 Truman Street, asked if there was a decision made. He has been in contact with Mr. Tim Kubiak about the issues and there is still a debate between Storm Water Department and what needs to be done with the street before we can proceed with finalizing the Variances.

Mr. Bunge asked if this is still being worked on regarding storm water and drainage type of plan. Ms. Abernathy commented at the last Storm Board Meeting, the Streets Department would look at cleaning up the end of the right-of-way area. In discussions with Mr. Kubiak, due to the houses that are along the street and how they were built. They are known as reverse driveways and the driveways are lower than the road. This is what is causing the issue. Without lowering the road and installing all necessary infrastructure at that time, curb, gutters and storm, there isn't a simple, easy solution at this time. This issue wouldn't fall under Storm, we would be looking at a Capital Improvement Plan and that would have to be approved by Town Council.

Mr. Burnham asked if construction has started on the house. Mr. Burrink responded in the negative. Discussion ensued regarding parking a car in the garage and driveway.

Mr. Burnham asked about the addition to the East of the house. Mr. Burrink commented he only wants to add on the rear Northeast corner to equal the south side of the rear elevation and then on the upstairs, to add 4-feet to the total height. The street side of the project is the first thing we need to do. Discussion ensued.

Mr. Kiepora asked if there is a solution to get rid of the water in front of the garage. Mr. Burrink responded he isn't sure it is his responsibility. Ms. Abernathy commented this is a reverse driveway and the road is higher than the driveway instead of building the house up with the driveway going up, they built the house down with the driveway going down. The road hasn't been done in many years. Discussion ensued regarding how the water flows near the home.

Mr. Burnham commented he doesn't want to give a Variance to start building on the west side of the house until the water is figured out. Mr. Kiepora commented the next step is to continue working with Ms. Abernathy and Mr. Kubiak regarding the problem.

Mr. Austgen stated Mr. Burrink cannot be issued a permit knowing the ground facts and we need to find the solution. We can continue this in three months and meet with the Engineer for a solution and the property owners.

Mr. Parker commented the area needs to be reconstructed and this would be the solution with the correct stormwater structure. Discussion ensued.

Mr. Jackson asked why should the front yard setback be reduced to 5-feet. Mr. Burrink commented to put a couple of vehicles in the garage. Discussion ensued regarding size of the garage as it exists now.

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A motion was made by Mr. Kiepura to defer this item for 90 days and in this time period, the Petitioner is to meet with staff and the Engineer for a solution and seconded by Mr. Parker. Motion passed by unanimously roll-call vote:

Mr. Burnham Aye

Mr. Parker Aye

Mr. Jackson Aye

Mr. Kiepura Aye

Mr. Bunge Aye

2. 2023-14 Vis – Developmental Variance – 11700 W 126th Avenue

Owner/Petitioner: Nathan Vis, 11700 W 126th Avenue, Cedar Lake, IN 46303

Vicinity: 11700 W 126th Avenue, Cedar Lake, IN 46303

Mr. Bunge stated that the next order of business is the Petitioner requesting a Developmental Variance. This Developmental Variance is to allow the construction of an accessory structure with an overall height of 22 feet with an exterior wall height of 15 feet. Mr. Austgen stated the legals are in order.

Mr. Nathan Vis, 11700 W. 126th Avenue, stated we are seeking a Developmental Variance for an accessory structure to build a two-story pool house. What we are looking to build in the backyard is a 24 by 32 pool house with a gambrel style roof. This will maximize the second story and enables the roof lines to flow with an overhang towards the pool. The code allows for a roof height to exceed 16-feet. The code indicates if it reaches the roof peak lines of the existing home, then it can go higher. A 4/12 or 6/12 pitch line doesn't make sense and we would like to request a Developmental Variance of an overall height of 22 feet with an exterior wall height of 15 feet.

Discussion ensued regarding the height of the home and acreage around the home.

Mr. Jackson asked what percentage is the property going to take up. Ms. Abernathy commented they are under the 25%.

Mr. Bunge asked if there were remonstrators for or against this Variance.

Mr. Jerry Wilkening, 10826 W. 131st Avenue, commented this is a good idea, but there isn't a hardship for 15-foot sidewalls for maximum space. Can this building be separated from the property and accessed from a public roadway.

Mr. Bunge stated public comment is now closed.

Mr. Parker asked does this meet the requirements of a hardship and because it is a significantly sized parcel that doesn't necessarily have to be that tall, it could be a bigger footprint. Mr. Austgen commented it is based upon the fact's proportionality is a factor that comes into play and lot coverage here is under 25 percent, which is our maximum.

Mr. Vis stated the 15-foot sidewall is significant on the left side and does face the neighbor to the West. The gambrel style is going to slope down the 15-foot and cover about 3-feet. There will be landscaping along side of that. On the right side that faces the pool, the plan is to run the side of the roof line into an overhang and that will be 10-feet off of the pool deck. On that side the slope will not be exposed at 15-foot sidewall and it's 10-feet for the first floor and then about four and a half feet that extends up into the second floor before the gambrel barn style roof rafters. This is not accessible from the roadway and sits about 30 to 20 feet off of the house, so it is accessible off the back and the hardship is if we were to match the existing roof line, but then what you have white shuttered shed next to an entertainment area that doesn't seem to fit what the venue is calling for. Discussion ensued regarding the accessory structure.

Mr. Kiepura asked why do they need the height inside. Mr. Vis commented by the time they get to the second story; it would be 9-feet in the middle and 7-feet on the sides to allow for the play gathering area upstairs.

Ms. Abernathy commented they are meeting all of the facts and they will maintain the number of setbacks from the pool, house, rear, and side property lines and they are well under lot coverage which was allowable. For accessory structure this will put him at a second accessory structure, so if they wanted to ever do anything different, one would have to be torn down or ask for another Variance, which a self-imposed hardship would be created.

Mr. Vis commented this is either a side wall height and a total roof height or it is just a Variance for the roof style. If we were to match the existing roof pitch line of the home, either a 4/12 or a 6/12, we wouldn't need to be before the Board. The code automatically allows to build to not exceed the height of the home.

Mr. Bunge commented he doesn't see a hardship in the 15-foot wall height. Discussion ensued regarding the gambrel roof.

A motion was made by Mr. Kiepura to approve the Developmental Variance to allow the construction of an accessory structure with an overall height of 22-feet with an exterior wall height of 15-feet per the Findings of Fact and seconded by Mr. Jackson. Motion passed by roll-call vote of 3 – Ayes, to 2 – Nays:

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

New Business:

1. 2023-17 Schilling – Developmental Variance – 8328 West 147th Avenue

Owner/Petitioner: Jeffery T. Schilling, 8328 W. 147th Avenue, Cedar Lake, IN 46303

Vicinity: 8328 W. 147th Avenue, Cedar Lake, IN 46303

Mr. Bunge stated the first order of new business is for a Developmental Variance is to allow the Petitioner to construct a detached garage in the front yard setback of a residential property, with a maximum size of 1,188 square feet and a maximum wall height of 15 feet. Mr. Austgen stated the legals are in order.

Mr. Jack Huls, DVG, representing the Petitioner, stated we submitted Power of Attorney to Ms. Abernathy. This parcel is on the south side of the lake off of 147th Avenue. The Petitioner is seeking to build a garage accessory structure in the front yard of this parcel. Because this is along the lake, it is common to see accessory structures facing the front yard even though the front yard was considered the lakeside and we wouldn't want to put structures there on this particular parcel. The house is about in the middle and is a little over an acre parcel and we are seeking to mimic the architectural style of the building of the primary structure which has a single pitch roof and maximum wall height because the tall side of the single pitch roof is much higher than the back side. This would be the front side of the garage.

Regarding the Findings of Fact, we do not feel this will have a negative impact on the public health, safety, morals or general welfare of the community. We do not feel that this is going to have a negative impact on the adjacent property owners' property values. There are similar accessory structures placed on adjacent properties. The hardships we face is the lake because that would be the backyard because the public road is in the front. Also, 147th Street is a narrow, unimproved street in the Town. There isn't any available on-street parking. The house height is 47-feet, and as it relates to the garage, we are asking for 15-feet which is less than a third of the height of the primary structure. The architecture and the finishes on the garage structure all match the primary structure, and we are off the public right-of-way and behind a berm. Discussion ensued.

Mr. Kiepura asked will there be a car port. Mr. Huls responded in the affirmative and a four-car garage.

Mr. Kiepura asked if the 15-feet is in the front of the house. Mr. Huls stated it is the front of the garage. The back of the garage is 2/12 pitched roof and is 26-feet long and is in the 12-foot range on the backside.

Ms. Abernathy commented there is a correction. When she calculated the lot was under the 43,000 square feet and that is why it's 1,100 square feet. If it is over one acre, you are allowed 1,600 square feet maximum accessory structure size. If a lot is over an acre, the 1,188 square feet wouldn't be needed because they are allowed up to 1,600 square feet. Mr. Huls commented the size of the garage is immaterial. Ms. Abernathy commented when it's 1.01 acres to two acres

it is 1,600 square feet. Mr. Parker commented if it is a garage structure it still has to have 36-inch perimeter footing if it is over 770 square feet. This meets the requirement of a hardship because it is a lakefront property and you aren't going to put the garage next or behind the house. Discussion ensued in length.

Mr. Austgen commented hardship is not the criteria, it is practical difficulty. He gave an example of practical difficulty and noted hardship belongs to a Use Variance. Discussion ensued.

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

Ms. Abernathy commented they are under lot coverage, meeting setback requirements. We like that it is matching the architectural style of the existing structure.

Mr. Bunge commented he doesn't like a structure in the front yard, but the building goes from lot line to lot line, East to West and if space was going to be an issue when they built the structure five years ago, why didn't they address that concern at that time. Discussion ensued.

Mr. Huls commented the front yard building setback would be 30-feet. This garage is proposed at 67-feet back from the front set back. If the house had been situated differently, this would be the backyard. Comparatively, there is a structure of two next door to the West that would be different, but if you look at the properties to the East, the properties have long narrow lots, but this property is 400 feet deep. It makes sense to put it near the lake and not 400-feet away from the lake. The lake is the hardship and if it were a different circumstance and if the lake was not involved, that argument would not exist. Discussion ensued regarding the architecture of the structure.

A motion was made by Mr. Burnham to accept this Developmental Variance to allow the Petitioner to construct a detached garage in the front yard setback of a residential property, and maximum wall height of 15-feet and seconded by Mr. Parker. Motion passed by roll-call vote of 3 – Ayes, to 2 - Nays:

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

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2. 2023-18 Kramer – Developmental Variance – 15037 Carey Street

Owner/Petitioner: Susan Kramer, 15037 Carey Street, Cedar Lake, IN 46303

Vicinity: 15037 Carey Street, Cedar Lake, IN 46303

Mr. Bunge stated that the next order of business is a Petitioner requesting a Developmental Variance is to allow the Petitioner to construct a deck on the rear of the residential structure 5 feet from the property line to be consistent with the existing house setback. Mr. Austgen stated legals are in order.

Ms. Abernathy commented nobody is present. Ms. Kramer anticipated being here.

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

A motion was made by Mr. Burnham to defer this item to next month's 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

3. Taliano – Developmental Variance – 7212 West 136th Place

Owner/Petitioner: James Taliano, 940 Boxwood Drive, Munster, IN 46321

Vicinity: 7212 W 136th Place, Cedar Lake, IN 46303

Mr. Bunge stated that the next order of business is a Petitioner requesting a Developmental Variance to allow the Petitioner to construct a new home with a height of approximately 33 feet 8 inches. Mr. Austgen stated legals are in order.

Mr. James Taliano, 940 Boxwood Drive, Munster, IN 46321, stated we are looking for a 33-foot, 8-inch Variance for the height of the house. There are no issues with public health safety for the height or with the adjacent properties and nothing is blocking the view from the lake. The hardship is if we lowered the pitch on the roof, then it wouldn't be structurally sound. We didn't know this was an issue until the roof was put on. We shortened the height of the house 3-feet from the original plans while building.

Mr. Bunge asked initially the proposed was 36-feet high. Mr. Taliano commented it was 30-feet, 2-inches based on the architect, but the architect used the definition in the back, which stated for a gable roof was the mean between the eaves and the ridge and that is what is based off of. We did not know this until we were told.

Mr. Burnham asked who built the house. Mr. Taliano commented he had a Project Manager. The whole purpose of the design was when entering the garage, it is a couple steps down to the basement. The first floor is 9-feet and the second floor was supposed to be 9-feet. The initial

plan had the gable running the long direction; it was 26-feet to center with a 6/12 or 7/12 pitch from those plans, but we turned it so the center is 18-feet and that shrunk it a couple of feet. The change we made was close of 30-feet, 2-inches from the wrong top based off the definition that was considered.

Mr. Burnham asked who changed it. Mr. Taliano stated we changed it as we were going. Mr. Burnham asked the plan that was submitted to the Town that was going to be built, the house started to be built, and while building, the height of the house changed while building after the plan was approved. Mr. Taliano responded in the affirmative.

Mr. Burnham asked if they got approval from the inspector to shorten the house. Mr. Taliano commented he didn't know if it was asked. Ms. Abernathy commented it is not on our inspectors to come and ask to update the plans; it is up to the property owner and general contractor for the project to submit any alternations or changes to plans to the inspector for approval. Discussion ensued.

Mr. Taliano commented when the architect had it listed at the mean, it would have been 36-feet at the top. The plan said it was the mean based off the definition.

Mr. Jackson asked the plan would not have gotten approved if it was over 30-feet tall to the peak. Ms. Abernathy commented the building permit shows 30-feet at the height. When we are reviewing plans, the inspectors use the multiple requirements listed in the Zoning Ordinance which is at 30-feet, so from 12-inches low top of foundation. When they are reviewing that plan and they see the 30-feet on the plans, they are assuming whoever submitted the plans, has followed our bulk requirements. If they used a definition, which our definition does say that those are just the stricter requirement applies. In this case, it is the bulk requirements of 30-feet from 12-inches low top of foundation.

Discussion ensued in length regarding the peak measurements. Mr. Kiepura explained roof structures and how it works.

Mr. Jeff Carol, 425 Joliet Street, Dyer, IN commented Ms. Abernathy read the application interpretation of the definitions in the Zoning Ordinance and what she read were any provisions of the Zoning Ordinance as amended from time to time imposes greater restrictions upon the subject matter than the other general provision imposed by the Zoning Ordinance; the provision imposing the greater restriction of regulation shall be deemed to be controlling. My interpretation of these definitions is these are not provisions that pose a restriction and they are simply definitions that help them interpret those provisions. In Section 6.2, Section C, says the maximum height of any building shall not exceed 30-feet at its peak measured from 12-inches below the top of the bottom top of the foundation. His interpretation on behalf of his clients, that the definition height of building that states that the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridges for gable and gambrel roofs. That is what he is looking at for the building height and not the provision that imposes something and helps interpret the provisions that do and this

says at its peak and our common idea of peak is the top. The use of definitions to interpret what it means here and they change the way and harmonize the various provisions of an Ordinance.

Mr. Kiepura asked what is the pitch now on the roof. Mr. Taliano responded 6/12. Mr. Kiepura asked what is the width of the front of the building. Mr. Taliano responded 36-feet. Mr. Kiepura commented the most it can be dropped is 4/12.

Mr. Burnham asked if there is a room up there. Mr. Taliano responded in the negative. Discussion ensued.

Mr. Bunge asked if they originally wanted 9-foot ceilings on the first floor. Mr. Taliano commented they are 9-feet on the first floor and the second floor was supposed to be 9-foot at the ceiling, but we moved it down to 8-feet.

Mr. Burnham commented the original house that was approved by the Building Department and the height of this roof is higher than what would have been built towards the print, but you dropped it from what was approved and shrunk it. Mr. Taliano commented he didn't think there was going to be an issue until they were told and everything was up and built.

Mr. Bunge asked if this oversight was caught on what inspection. Ms. Abernathy stated it was caught during a completely separate issue that had occurred and is not related to the height variance. One of the inspectors had been on the property for a different issue that has been remedied. At that time, he measured the house and it measured at 33-feet, 8-inches at 12-inches below the foundation to the the peak. A second building inspector went out and measured 33-feet, 10-inches, so both building inspectors that go out regularly, do all of the inspections, and approve plans have measured it 3-feet above the bulk requirements.

Mr. Burnham commented the original print that was authorized to build, what is the height of that roof. Ms. Abernathy stated when he changed the original prior to that he had it at 32-feet. He submitted a new plan that was going to be 29.6-feet. Mr. Burnham asked if that was the print that the Building Department approved. Ms. Abernathy responded in the affirmative. Mr. Burnham commented the house permit that was approved by the Building Department is 29.6-feet. Mr. Taliano commented the one that showed the elevations showed 30-feet, 2-inches. Ms. Abernathy commented Item 8.03 that was submitted to Ms. Bilgri and that was then sent to our Engineer for part of the site plan review. That was the last set of plans we had and there were inconsistencies in that one and the one you submitted, but that was the one the height was going to be and that's what they went off of and that is the 30-feet that was on the building permit is what the inspectors approved. Mr. Taliano stated that height was based off the average between the eaves and the ridge. The architect put that in as the height. It was the mean between the two.

Mr. Taliano stated he put in the revisions to the house that was approved and that shows the gable switch. Ms. Abernathy stated that was only for interior and nothing was submitted for the exterior with that.

Mr. Bunge asked if there were any remonstrators for or against this Variance.

Mr. Jerry Wilkening, 10826 W. 131st Avenue, asked how many submittals for site plan were submitted. The one he has is the third submittal. Ms. Abernathy commented three or four. Mr. Wilkening commented he doesn't know where the water gardens can go. Ms. Abernathy commented one is going to be in the front and the other will be on the back of the driveway and they still have to be installed before occupancy. Mr. Wilkening commented about the mud going into the neighbor's driveway and Ms. Abernathy commented the MS4 should have been corrected and we can take another look.

Mr. Wilkening asked how many inspections are there for a new home. Ms. Abernathy stated multiple. Discussion ensued.

Mr. Chuck Becker, 6100 W. 136th Place, commented the rain gardens are needed; otherwise, the water is going to run downhill. The rain gardens are going to be on the opposite side of where the water runs. He was at the property and took pictures to show the Board. Discussion ensued regarding the rain gardens and drainage.

Mr. Terry Broadhurst, 14513 Morse Street, commented how did the roof get shingles and understands there are series of inspections to be done in a certain order. Discussion ensued regarding inspections.

Mr. Bunge stated public comment is closed.

Mr. Kiepura commented plans were submitted and were re-submitted and approved for something different than what was built. The drawing that we have shows the gable end of the upper roof facing East and West. The picture of the installed roof has the gable end running North and South. Was this a change on the drawings. Ms. Abernathy commented this was on the internal changes that were submitted that showed that. Mr. Kiepura commented he built something that was not approved, but the mean should be four and a half feet up from the tie deck. Discussion ensued regarding the measurements.

Ms. Abernathy commented there is no recommendation on this item.

Mr. Carol commented Mr. Taliano did not build the house purposely outside of what the Board is interpreting and he was going by the definitions. Mr. Kiepura commented it is the fact of not be familiar with construction or building a house, and is unfortunate that he ran into problems along the way. Now he has to figure out what is the best solution to remedy this.

Mr. Carol commented he believes Mr. Taliano is within the Ordinance and that is our position. Mr. Kiepura stated Ms. Abernathy said it was the stricter of the two definitions. Discussion ensued.

Mr. Burnham commented he built it at 33-feet. Mr. Carol commented the 29-feet was the mean of the gable roof and that is why it said 29-feet. Mr. Burnham asked do we go off of the mean for

the height of the roof. Mr. Carol stated by your definitions it is. Ms. Abernathy stated she would refer to legal.

Mr. Bunge stated he has been on this Board for a couple of years and has never heard of means and Subchapter C and we deal with hundreds of Variances a year. Never has anybody misread overall height in this aspect before. Mr. Austgen stated Ordinance 1402 was adopted in March 2022 and we've issued probably a couple hundred single-family building permits and never had this discussion, how it was measured and it wasn't how those houses were permitted. This will be the first. We have custom and practice on top of it as to how we interpret and apply those terms including definitions.

Ms. Abernathy stated there is further language in that section that says "unless such construction would be inconsistent with the manifest intent of the Zoning Ordinance." It is talking about definitions it is also talking about the manifest intent of the Zoning Ordinance. The manifest intent for both standards is 30-feet at its peak and that is from 12-inches low top of foundation. Mr. Carol stated right now you have a definition that you're saying doesn't count if you don't improve or saying you need a variance, we're essentially just taking this definition as part of your Ordinances crossing it out and throwing it away and you cannot do that. Discussion ensued.

Mr. Austgen commented this can be simplified and there have been dozens of after the fact Variances because things happen. We discussed circumstances, a first-time home builder and buyer. There has been a mistake made and is it fatal. They are properly here before the Board seeking relief. Either the Board will agree or not what has been done and consider if they will approve Developmental Variances because what's been planned and what's been built today and nobody has asked the question, what's the value of what's in the ground wrong, but the guess is six figures. We are not going to go backwards easily unless the Board makes that call, but it's 33-feet, 8-inches in height.

Mr. Bunge commented if it wasn't after the fact and we would be able to consider this rationally with good information put in front of us, would we go with something 10% over with the new construction that has no practical difficulties.

Mr. Kiepura stated probably not. They would have to have a good reason for the height. A mistake has been made and where this house sits, it isn't blocking anyone's view of that extra three feet, it is off of a corner, but it's what we think and their attorney thinks. Is there any construction going on there now. Ms. Abernathy commented they were advised to proceed at their own risk once they fix the violation. They have been warned that it's proceed at their own risk if the Board denies their Variance to be prepared that anything they put in can be removed. Discussion ensued regarding what has been done so far on building the home.

Mr. Austgen stated the jurisdiction you have to impose reasonable conditions and could a reasonable condition that they get a real contractor who's licensed with the Town of Cedar Lake. They don't need to know anything; they are building their own house. They can get a permit and continue building.

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Mr. Kiepura commented this is a good idea and a professional can get involved, but he would also like to see legitimate, approved plans and go forward with this. The Building Department can tell them to go ahead based on what Ms. Abernathy needs to be done.

Mr. Burnham asked if this is the only building being built on this lot. Mr. Taliano commented a small shed also.

Mr. Parker commented he can see an argument for practical difficulty, but it's self-created practical difficulty. Mr. Austgen stated it is negligence. We should not get into the habit of people making these kinds of mistakes and ask for the Variance after the fact. Discussion ensued regarding when the house first started being built.

Mr. Kiepura asked if there is a completion date. Mr. Taliano commented if this is approved, 60 to 90 days.

Mr. Burnham commented that trusses were ordered off of the print, but then did not go off of the print. Discussion ensued.

Ms. Abernathy commented the lot size is 15,500 square feet. If it is an R-1 versus an R-2, the R-1 allows for 35-feet in height. It makes an R-1 lot size; it is just zoned R-2. The zoning changed last year. Discussion ensued in length regarding trying to fix the home in a practical way.

A motion was made by Mr. Kiepura to approve this Developmental Variance as requested to allow Petitioner to construct a new home with a height of 33-feet, 8-inches to the peak and to also find a registered, licensed general contractor with the Town of Cedar Lake to complete home and to make sure the Town and owner has the same set of prints that were approved by the Town showing same measurements and where the rain gardens will be per the Findings of Facts and seconded by Mr. Jackson. Motion passed unanimously by roll-call vote:

Mr. Burnham Aye

Mr. Parker Aye

Mr. Jackson Aye

Mr. Kiepura Aye

Mr. Bunge Aye

PUBLIC COMMENT: None

ADJOURNMENT: Mr. Bunge adjourned the meeting at 8:43 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: July 13, 2023 Minutes