



CEDAR LAKE BOARD OF ZONING APPEALS MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
August 10, 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, August 10, 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

Extension Request:

1. 2022-27 Pine Crest Marina – 14415 Lauerman Street – Developmental Variance
Owner/Petitioner: Bob Gross, 14415 Lauerman Street, Cedar Lake, IN 46303
Vicinity: 14415 Lauerman Street, Cedar Lake, IN 46303

Mr. Bunge stated the first order of business is a Petitioner requesting a one-year extension on their previously approved Developmental Variance request for the construction of a 100-foot by 150-foot cold storage building with an overall height of no more than 42-feet located on a lot with other accessory structures.

Mr. Austgen commented this is an administrative extension of time request. There is a companion project PUD action with the Plan Commission.

Ms. Abernathy stated Mr. Nathan Vis submitted a letter requesting a one-year extension for height Variance that was granted at the BZA August 2022 meeting.

A motion was made by Mr. Kiepura to approve the Petitioner's request for a one-year extension on their previously approved Developmental Variance request for the construction of a 100-foot by 150-foot cold storage building with an overall height of no more than 42 feet located on a lot with other accessory structures per the Findings of Fact 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

Minutes:

Mr. Bunge entertained a motion to table the minutes from July 13, 2023 meeting. Motion to table the minutes from last month's meeting by Mr. Parker and seconded by Mr. Kiepura 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. 2023-11 Olson Group Network LLC – Developmental Variance – 13920 Butternut Street**
Owner/Petitioner: Olson Group Network LLC, 2701 W. 45th Avenue, Gary, IN 46408
Vicinity: 13920 Butternut Street, Cedar Lake, IN 46303

Mr. Bunge stated that the first order of old business is a Petitioner requesting a Developmental Variance to allow the construction of a new residential house on an existing lot with a lot width of 70 feet and lot size of 5,971 square feet to be 11.86 feet from the front property line, less than 30 feet from the rear property line, a reduction in the minimum garage size to approximately 226 square feet and a reduction in total house square footage to 1,472 square feet. Mr. Austgen advised the legals are in order.

Mr. Michael Cash, 8022 Taft Street, Merrillville, IN, and Jerry Stotmeister, 400 Lincoln Mill Road, Hobart, IN stated due to the odd lot size, in order for us to get a house with the setbacks required from neighbor to neighbor, we had to go with a smaller design. The 400 square foot garage will be encroaching on the neighbors.

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

Ms. Rebecca Hunt, 13926 Butternut Steet, stated she lives next to the empty lot and we are asking the Board to vote against the Variances. The direction they are looking at would put a house on a small lot and would not bring up the value of the neighbors' property.

Mr. Todd Hunt, 13926 Butternut Street, stated to not allow the Variances to go through because it is 11 ½ feet off of the street. The house is too big and the lot is too small for the guidelines.

Mr. Paul DeYoung, 13925 Butternut Street, stated he lives across the street from the lot to be built on and not to allow these Variances. He doesn't want to see the property values to go down and we don't need parking on our street.

Ms. Diana Petros, 8709 W. 139th Place, stated she is against this Variance. The lot is too small for the size house they want to build. She would like the Town to exercise their rights to subdivide the property and give the property to the Hunt's because it's too small or split it between our properties. We do not want to see something massive go up there and it would interfere with the proposed road projects and our subdivision is in need of repair and if the house was built, it would make it difficult for the Town in the future to do the necessary road repairs.

Mr. Bunge closed the public portion of this hearing.

Mr. Stotmeister commented this will not be an eyesore and it will be beautiful. There will be a garage built, so there wouldn't be street parking. The size of the house is going to be smaller than what was there and a new build would increase the value in the neighborhood.

Ms. Abernathy stated if the Variances are granted the lot coverage will be 36%. In discussions with Mr. Oliphant, he stated this lot did not have any specific restrictions in the past. Butternut Street is a very flat, longitudinal road profile which makes the drainage complicated until the subdivision can be reconstructed.

Ms. Abernathy commented the lot they are proposing to build upon appears to be in a low back portion of Butternut Street. The drainage sheds from east to west across the lot. The roadway grade at 718.3 indicates the driveway will be the low spot potentially causing runoff to pond on the road's edge because the house is now being elevated. A comment from Mr. Tim Kubiak was he preferred to have a larger sized garage on this lot, closer to our minimum of 400 square feet.

Mr. Bunge commented it is the shy of 12-foot setback off of Butternut Street. Where did 12-feet come from. Mr. Stotmeister commented in looking at the other properties on that street, there isn't much distance of those houses on that street.

Mr. Bunge commented if it were brought back into the lot and made wider, because there is an allowed 8-foot side yard setback on both sides, it would change the placement of a home. Mr. Stotmeister commented we are flexible of how the property structure would be placed.

Mr. Burnham commented the 30 and a half feet is from the concrete slab to the property line. How big is the concrete slab. If the patio is bigger than 5-feet and move the house back where the concrete slab is, the house would still be 30-feet off of the property line and distance is gained on the driveway. Discussion ensued.

Mr. Bunge commented he wouldn't be opposed to moving the garage to the back of the property. Mr. Cash stated there is no access to the back of the property. Discussion ensued.

Mr. Jackson asked is this an investment house. Mr. Cash commented we bought the property and will sell the house after it is built.

Mr. Kiepura commented they can re-position the home and get it further off of the street. The house can be expanded width wise and to the minimum square footage. There is 16-feet to add into the house. Discussion ensued.

Mr. Cash commented he will take this back to the Engineer and re-work it.

Mr. Austgen commented a deferral is needed and it is their burden.

Mr. Parker asked what is the minimum square footage in a pre-platted subdivision. Ms. Abernathy commented 1,500 square feet for a single-story or bi-level house and 1,700 square feet for a one and half tri-level and 2,200 square feet for a two-story house. It is a little different between Legacy lots, but the lot size for Legacy lot is between 2,400 square feet to 5,000 square feet. Discussion ensued.

A motion was made by Mr. Kiepura for 60 days to the October 12, 2023 meeting and seconded by Mr. Burnham. Motion passed unanimously by roll-call vote:

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

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 the next order of old business is for a Developmental Variance 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 advised the legals are in order.

Ms. Susan Kramer, 15037 Carey Street, stated she would like to build a deck which would be 12 by 16-feet and would be on the rear of the home going North and the deck will not go beyond the edge of the house.

Ms. Abernathy stated the standard for a deck is 8-feet off the side rear yard and it doesn't matter what the side yard is on the property. Discussion ensued.

Mr. Kiepura asked why does the Petitioner need a Variance. Ms. Abernathy commented the full standard for decks in Chapter 10 of Developmental Standards states all decks are supposed to be 8-feet from any side and rear yard not located in an easement, but this isn't going to be located in an easement and if it is in a front yard it is supposed to meet the required front yard setback. She is wanting to do it 5-feet from the side-yard setback line. Mr. Kiepura commented her patio deck is 12-feet by 12-feet. She has 4-feet and is not at the edge of the house. Ms. Kramer commented the Ordinance was changed after the home was built.

Mr. Bunge commented she doesn't have 8-feet from the property line for this corner of the house because she only has a five-foot side yard setback, this is why she needs the Variance. Discussion ensued regarding setbacks.

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

Ms. Abernathy commented there are no major concerns with this Variance but the building inspector wanted to make sure not to anchor the post of the deck into the concrete slab. Mr. Austgen stated the last item would be a building permit condition and not an approval to grant.

A motion was made by Mr. Burnham to approve the Variance 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 per the Findings of Fact 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

New Business:

**1. 2023-13 L & L Capital Assets LLC – Developmental Variance – 13310 W 133rd Ave
Owner/Petitioner: L & L Capital Assets LLC, PO Box 2010, Cedar Lake, IN 46303
Vicinity: 13310 W 133rd Ave, Cedar Lake, IN 46303**

Mr. Bunge stated the first order of new business is for a Developmental Variance to allow for a reduction in the front yard setback to 20 feet off of 133rd Avenue for Lot 1, which is a corner lot. Mr. Austgen advised the legals are in order.

Mr. Jack Huls, DVG, stated we received a favorable vote last month for the Developmental Variance. There was an omission through some coordination of things and it was always part of our intent to seek this Variance along with those, so we are doing a cleanup. Our Primary Plat showed a 20-foot front yard setback off of the North Road. Our Final Plat shows that we missed that, so we are coming back asking to consider this as part of that series of approvals and grant this Variance. The Findings of Fact will be the same.

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

Ms. Abernathy commented she made an error and did not put this portion of the request in the original advertisement and it got missed at the June meeting.

A motion was made by Mr. Kiepura to approve the Developmental Variance to allow for a reduction in the front yard setback to 20 feet off of 133rd Avenue for Lot 1, which is a corner lot per 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

**2. 2023-20 South Shore Association– Developmental Variance – 145th Avenue
Owner: South Shore Improvement Association, Lot A W 145th Ave, Cedar Lake, IN 46303
Petitioner: Alice Doughney, 14608 Lee Street, Cedar Lake, IN 46303
Vicinity: Lot A – W 145th Avenue, 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 an 8-foot by 12-foot accessory structure on a lot without a residential structure to be located 6 feet from the property line. Mr. Austgen advised the legals are in order.

Ms. Alice Doughney, 14608 Lee Street, President of the Property Owners Association, stated we are proposing to put a shed on our park property to store items.

Mr. Bunge asked the 6-foot property line Variance is because the shed will go along the street as opposed to farther back toward the lake. Ms. Doughney commented it is skinny in that area so we are putting it 6-feet off the property line because that is what the requirement is.

Mr. Kiepura asked if the shed would fit at the other end of the property. Ms. Doughney commented this location would be the least intrusive. Discussion ensued.

Mr. Bunge asked if there would be a light by the shed. Ms. Doughney responded in the negative.

Mr. Bunge asked if there were remonstrators for or against the Variance. Seeing none; public comment is closed.

A motion was made by Mr. Kiepura to allow the Petitioner to construct an 8-foot by 12-foot accessory structure on a lot without a residential structure to be located 6-feet from the property line on the southwest corner 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

3. 2023-21 Tiller – Developmental Variance & Variance of Use – 7611 W 140th Ave
Owner: John & Kathy James, 7705 W 140th Avenue, Cedar Lake, IN 46303
Petitioner: Michael & Kennedy Tiller, 7611 W 140th Avenue, Cedar Lake, IN 46303
Vicinity: 7611 W 140th Avenue, Cedar Lake, IN 46303

Mr. Bunge stated that the next order of business is a Petitioner requesting a Developmental Variance to construct a new garage of 840 square feet, with a wall height of 26 feet, to be located 6 feet from the house. Mr. Austgen advised legals are in order.

Mr. Michael Tiller, 7611 W. 140th Avenue, stated we are looking to add a 28 by 30 detached garage to the westside of the house and we are requesting a Developmental Variance of 6-feet instead of 10-feet because we are connecting the garage to the house by the breezeway. We are also requesting a Variance of Use to construct an in-law living space above the detached garage.

Mr. Bunge commented for public safety reasons and if there is an emergency, we require 10-feet of separation.

Mr. Tiller stated we are going to have to go to the Plan Commission for a two-lot subdivision because we are purchasing the lot from our neighbors. We are trying to keep it 8-feet from the side yard. Mr. Burnham asked what is the distance between the breezeway. Mr. Tiller commented 6-feet.

Mr. Kiepura asked do they own the 30-feet as the drawing says. Mr. Tiller commented "no." Ms. Abernathy stated in order for them to get the 30-feet, they would have to go through the two-lot subdivision process and they wanted to ensure they can get any Variance or recommendation to the Town Council for the in-law suite prior to going through the engineering process and getting the two-lot subdivision so they requested to come in front of the Board of Zoning Appeals first before going through the Plan Commission process. This is why it is contingent on the 30-feet.

Mr. Jackson asked is the 26-foot wall height to the peak or is that a sidewall. Mr. Tiller stated it is to the peak. Mr. Parker commented it should attach to the house. Mr. Tiller commented we want to keep it separate.

Mr. Kiepura stated the second lot is going to be 30-feet wide. Ms. Abernathy stated they are going to take the 30-feet and re-subdivide it into their property. They need to get that 30-feet from there and they are also going to be making it a two-lot subdivision by subdividing this lot which is a metes and bounds, so it would create two legal lots of record instead of one legal lot of record next to a metes and bounds. Mr. Bunge asked one of the lots would not have a primary structure. Ms. Abernathy commented they both would have a primary structure because the property they are purchasing, the 30-feet has a house with a detached garage. The 30-feet would be added on to their existing subdivision which has the primary structure.

Mr. Austgen asked if there is a coverage issue. Ms. Abernathy commented it is 22% with the two-lot subdivision if approved. It is not going to create any legal-nonconforming.

Mr. Kiepura asked if the garage would be a separate building with a separate residence on a 30-foot-wide lot. Ms. Abernathy commented the total lot would be 13,595 square feet if granted. The Variance of Use is in front of this Board to allow for the construction for the in-law suite because we do not allow for residential living in an accessory dwelling or an accessory structure. Discussion ensued.

Mr. Kiepura commented he would like to see drawings of how everything is going to be laid out. Discussion ensued.

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

Ms. Abernathy commented it was determined at that time to send this Petition through the Variance process because there were questions of the attachment. Any motions made of any

approval or recommendation to the Town Council when it comes to the Variance of Use, the recommendation is to be contingent on a two-lot subdivision.

Mr. Bunge asked if they were working with a builder. Mr. Tiller responded in the affirmative.

A motion was made by Mr. Burnham to defer this Variance and Variance of Use to the next meeting with a drawing of how garage will be laid out 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

4. 2023-22 Marsh– Developmental Variance – 9812 W 136th Place
Owner/Petitioner: Edward J. Marsh, 9812 W. 136th Place, Cedar Lake, IN 46303
Vicinity: 9812 W. 136th Place, Cedar Lake, IN 46303

Mr. Bunge stated that the next order of business is Petitioner is requesting a Developmental Variance to construct a 4-foot picket-style fence to be located 3 feet from the property line.

Ms. Abernathy stated this Variance needs to be deferred. The newspaper didn't get run in time.

A motion was made by Mr. Parker to defer this item to the next meeting and seconded by Mr. Burnham. 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 7:38 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

These Minutes 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.

Minutes of August 10, 2023