

**Town of Cedar Lake – BZA
Public Meeting Minutes
May 9, 2013**

Call to Order: 7:00 p.m.

Roll Call:

Present	Eric Olson Member	Present	Tim Kuiper Town Attorney
Present	Julie Rivera Member	Present	Jack Slager Building Commissioner
Present	Tim Kubiak Member	Present	April Allande Recording Secretary
Present	Jeff Bunge Vice Chairman		
Present	Jeremy Kuiper Chairman		

New Business

1. El Maguey – Developmental & Special Use Variances

Owner: Cedar Lake Ventures One, LLC. , 1001 Summit St., Crown Point, IN 46307

Petitioner: El Maguey, 13328 Lincoln Plaza, Cedar Lake, Indiana 46303

Vicinity: 13328 Lincoln Plaza, Cedar Lake, Indiana

Request: Petitioner is requesting a Special Use Variance to allow the sale of alcoholic beverages. This Developmental Variance is to allow outdoor dining and seating within the required front yard setback.

(Note: The same Developmental Variance was previously granted at this same property (Chelas) on 04/16/09 with the condition of a maximum of four (4) tables and no alcohol served outside.)

- (1) Petitioner's Comments: Erica Mirelas stated that they are looking to bring in more customers to the restaurant. Jack Slager and Erica Mirelas have been in discussion to place four tables in front of the restaurant to expand customer seating. Also are looking to sell alcoholic beverages inside and outside of restaurant. Petitioner has been in contact with the State of Indiana. Petitioner must first get approval from the Town of Cedar Lake to have outdoor seating. Petitioner is seeking a variance for alcohol on the premises.
- (2) Attorney to Review Legal's: Notices and publications are in order at this time.
- (3) Remonstrators: None
- (4) Building Departments Comments: Jack Slager stated that this variance is for alcohol on premises.
- (5) Board's discussion: Motion to allow outdoor seating with four tables with four chairs each by Tim Kubiak. Motion seconded by Julie Rivera. Motion carries 5-0. Motion to send a favorable recommendation to the Town Council to allow alcohol sales. Variance to include the findings and facts as long as it applies to all local and state laws. Motion made by Tim Kubiak. Motion seconded by Julie Rivera. After a roll call vote the motion carries 5-0

1. Matt Degnan – Developmental Variance

Owner/Petitioner: Matt Degnan, 9801 W. 136th Lane, Cedar Lake, IN 46303

Vicinity: 9801 W. 136th Lane, Cedar Lake, Indiana 46303

Request: Developmental Variance to place a six foot privacy fence on the northeast side of the home which is a corner lot that has no sidewalk and is located on a dead end street.

- (1) Attorney to Review Legal's: Notices and publications are in order per Town Attorney Tim Kuiper.
- (2) Petitioners Comments: Jill (name inaudible) is requesting to install a six foot solid wood privacy fence to block the view of neighbor's house. Fence to be installed approximately twenty (20) feet from the street. Town Manager, Ian Nicolini stated that the current ordinance does not specify a required setback. However a six (6) foot setback with a fifty (50) percent visibility or a four (4) foot fence with a six (6) foot setback is being contemplated in a revised ordinance. No chance for future development to the south.

Petitioner is requesting to start fence at the front of house and on the other side of the house the fence will start at the back of house.

- (3) Remonstrators: None
- (4) Building Departments Comments: Jack Slager met with petitioner. If required to run fence at the thirty foot setback which is even with the garage, the fencing would bisect the children's play area. Road has a slim to none chance of being extended south.
- (5) Boards Discussion: Tim Kubiak stated that he would like the twenty (20) foot setback like the new ordinance states or move the fence to start at the rear of garage so as the neighbor does not have to look out his window at fencing.
- (6) Board's Decision: Allow fence on East side as long as it is moved back in line with the garage or a full setback whichever the petitioner would be happier with. Motion to grant variance not as requested but for fence six (6) foot off of property line even with back of garage or a twenty (20) foot setback with a six (6) foot fence to include the findings and facts by Tim Kubiak. Motion seconded by Eric Olson. After a roll call vote the motion carries 5-0. Variance is good for ninety (90) days for fence permit. Petitioners decision due at that time.

2. Fred Mathias – Developmental Variance

Owner: McDonalds Corporation, 4320 Winfield Rd, Warrenville, IL 6055
Petitioner: Fred Mathias, 3277 Oak Knoll Rd., Carpentersville, IL 60110
Vicinity: 13312 Wicker Ave., Cedar Lake, IN 46303
Request : Developmental Variance to allow signage to be attached to the building as shown on the drawings : four (4) signs on the building totaling ninety-two (92) square feet and free-standing site signs which are two (2) menu boards measuring forty-one (41) square feet each for a total of eighty-two (82) square feet plus miscellaneous Directional signage.

- (1) Attorney to Review Legal's: Notices and publications are in order at this time per Tim Kuiper.
- (2) Petitioners Comments: Dawn Conklin stated that she is looking to standardize what McDonalds requires to have for their building. Currently there is one (1) word mark sign on the front of the building. Petitioner would like to add a word mark sign as well as an arch to the East elevation. Current word mark sign is Thirty-two point eight (32.8) square feet, sixty (60) square foot is allowed according to PDF. One sign with a variation to add fourteen (14) square foot for the arch at the front East elevation. No current signage on rear West elevation. Petitioner would like to add a word mark sign on South elevation. The North elevation by entrance, nothing is allowed for that elevation, so petitioner is looking to add a fourteen (14) square foot arch. Signs would have internal LED illumination; menu boards (2), and directional signs. A small sign would still be in place on 133rd. Ave on the BP property. Sight signs, simplified with the two (2) menu boards. Signs combined: four (4) signs totaling ninety-two (92) square feet.
- (3) Remonstrators: Robert H. Carnahan of 12850 Fairbanks Street, Cedar Lake, is encouraged by McDonald's improvements.
- (4) Building Departments Comments: Jack Slager stated that this is just part of a bigger plan. A complete re-do; modernization of business.
- (5) Boards Discussion : None
- (6) Board's Decision: Tim Kubiak motioned to grant variance to include the findings and facts. Eric Olson seconded this. After a roll call vote the motion carries 5-0.

3. Paul Westerberg – Developmental Variance

Owner/ Petitioner: Paul Westerberg, 531 S. Lombard Ave., Lombard, IL 60418
Vicinity: 13701 Lauerman, Unit #84, Cedar Lake, IN 46303
Request: Developmental Variance to allow a 1,100 square foot garage to be built on a 35,962 square foot lot. Rear of garage faces an unimproved street.

- (1) Attorney to Review Legal's: Notices and publications are in order at this time.
- (2) Petitioners Comments: Owner is requesting a variance to build a 1,100 square foot, sixteen (16) foot tall garage on a 35,962 square foot lot. Garage would exceed current code by approximately one hundred (100) square foot. This is owner's personal preference due to his lack of basement. Rear of garage would face an unimproved yet platted street. This is the maximum the Conference grounds would allow. There is currently no letter from the Conference Grounds in file.
- (3) Remonstrators: None
- (4) Building Departments Comments: Jack Slager Stated that this property lot eighty four (84) is tucked way back in the Northwest corner of the Conference Grounds.
- (5) Board Discussion: It is properly notified for height variance. Sidewalls will be approximately nine feet with a 5/12 roof and raised ten (10) inches off of ground with concrete footings. Same symmetry, shape, color, and height of owner's house. Tim Kubiak stated that the owner would be eighty-eight (88) feet over what he is allowed to build. Tim Kubiak motioned to grant the variance as requested with a maximum height of sixteen (16) feet with the 1,100 square foot garage. Eric Olson seconded this motion. After a roll call vote the motion carries 4-1.

4. John Boersma – Special Use Variance

Owner: Robbins Run Properties LLC, PO BOX 511, Crown Point, IN 46308
Petitioner: John Boersma, 2941 E. Brunswick Road, Beecher, IL 60401
Vicinity: 10501 W. 133rd Ave., Cedar Lake, In 46303
Request: Special Use Variance to allow an auto repair and servicing in an M-1 Light Industrial Zoning District.

- (1) Attorney to Review Legal's: Notices and publications are in order at this time.
- (2) Petitioners Comments: John Boersma is currently in negotiations to purchase property for an auto repair shop. Energy Wise is current owner of Units A & B. Unit C is owned by Enviro Fab. Energy Wise is looking to downsize into one unit. M-1 requires a special use permit for any use. No building improvements will be made. A portable lift will be used. Parking: 2-3 spots in front of each unit. This business will be geared more towards auto repair than sales. Tim Kubiak stated that a firewall will need to be added in-between units A&B. Code requires four (4) pieces of 5/8ths drywall. (2 layers, 2 pieces on either side). There would be one (1) mechanic at the current time. There is one (1) garage door but looking to get possibly three (3) lifts in the shop.
- (3) Remonstrators: None
- (4) Building Departments Comments: Per Jack Slager this is acceptable use as required with a special use by M-1. Owner may possibly add another sign. Main hours of operation would be: Monday-Friday 8a.m.- 5p.m. Tim Kubiak motioned to send a favorable recommendation to the Town Council for the variance as requested with a maximum of one car for sale outside and no auto body repair. Eric Olson seconded this motion. After a roll call vote the motion carries 5-0. This request will be on the Town Councils agenda at the May 21, 2013 Public Meeting.

Old Business- Billy’s BBQ Shack

Jack Slager stated that he has attempted multiple times to contact the owner. Tim Kubiak motioned to remove this item from the agenda. Eric Olson seconded the motion.

Public Comment: None

Adjournment: The meeting was adjourned approximately ____7:53____

Press Session: None.

Jim Hunley

Greg Parker

Diane Cusack

Robert H. Carnahan, Vice President

Julie Rivera

Tim Kubiak, President

John Foreman

Attest: _____
April Allande, Recording Secretary