



**TOWN OF CEDAR LAKE
BOARD OF ZONING APPEALS
PUBLIC MEETING MINUTES
January 12, 2017 7:00 P.M.**

Call to Order (Time): 7:00 p.m.
Pledge to Flag:
Roll Call:

Present Nick Recupito
Present Jerry Wilkening
Present John Kiepura
Present Jeremy Kuiper
Present Jeff Bunge

Present Daniel Ford, Town Attorney
Present Tim Kubiak, Director of Operations
Present Michelle Bakker, Building Administrator
Present Tammy Bilgri, Recording Secretary

Others Present: Robert Carnahan, Town Council

1. Nomination and Appointment of Officers:

A motion was made by John Kiepura and seconded by Jeff Bunge to keep Jeremy Kuiper as President.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Abstained	4-0

A motion was made by Jeremy Kuiper and seconded by John Kiepura to keep Jeff Bunge as Vice President.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Abstained	Yes	4-0

2. Retention of Services:

A motion was made by Jerry Wilkening and seconded by John Kiepura to retain Austgen, Kuiper & Jasaitis.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

Minutes:

A motion was made by John Kiepura and seconded by Jeff Bunge to approve the December 8, 2016 Public Meeting Minutes as presented. Roll Call Vote: 5-0

Old Business:

1. Keith Piszro – Developmental Variance/Use Variance

Owner: Keith Piszro, 13485 W. 117th, Cedar Lake, IN 46303
Petitioner: Keith Piszro, 13485 W. 117th, Cedar Lake, IN 46303
Vicinity: 111 Broadway, Cedar Lake, IN 46303
Legal Description: Pt. NE.1/4 NE.1/4 S.28 T.34 R.9 (93x185ft) 0.395Ac
Tax Key Number(s): 45-15-28-228-008.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI – Fence Regulations, Section 2: B. 1) Maximum height shall be three (3) feet; 2) No fence shall be allowed between the right-of-way and the front setback line in commercial areas served by sidewalks

This Developmental Variance is to allow the Petitioner to have a fence in the front yard with a height of four (4) feet

Deferred from November 10, 2016 Public Meeting

- a) Attorney to Review Legals: Daniel Ford stated this was properly continued.
- b) Petitioner's Comments: None
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated the design of Broadway is not complete recommends deferring for 60 days.
- e) Board's Discussion: None

A motion was made by Jeff Bunge and seconded by Jerry Wilkening to defer for 60 days to the March 9, 2017 Public Meeting.

Roll Call Vote 5-0

***This motion is for both requests.**

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XII – Neighborhood Business, Section 2: B.; 25. Restaurants, or Cafes (excluding dancing or entertainment and restaurants of a drive-in nature and establishments serving alcoholic beverage)

This Use Variance is for outdoor dining.

- a) Attorney to Review Legals:
- b) Petitioner's Comments:
- c) Remonstrators:
- d) Building Department's Comments:
- e) Board's Discussion:
- f) Recommendation to Town Council:

Motion:		2 nd :			
Nick Recupito	Jerry Wilkening	John Kiepora	Jeff Bunge	Jeremy Kuiper	Vote

2. David & Susan Gozdecki – Developmental Variance

Owner: David & Susan Gozdecki, 2816 Capri Drive, Schererville, IN 46375
 Petitioner: David & Susan Gozdecki, 2816 Capri Drive, Schererville, IN 46375
 Vicinity: 13919 Lakeview Point Rd., Cedar Lake, IN 46303
 Legal Description: LAKEVIEW POINT LOT 4
 Tax Key Number(s): 45-15-27-476-003.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XV-Planned Resort (RS) Zoning District; Section 4: C. Side Yard: 4. All interior lots shall have two (2) side yards, each having a width of not less than seven (7) feet, except where party walls are used; D. Rear Yard: There shall be a rear yard on each lot, the depth of which shall not be less than thirty (30) feet from the rear lot line; Title VIII- Residential (R-2) Zoning District; Section 4: E. Building Coverage: Not more than twenty-five percent (25%) of the area of the lot may be covered by buildings and/or structures

This Developmental Variance is to allow the Petitioner to build a new home with 2 side yards of 2.5 ft., rear yard of 22.8 ft. and lot coverage of 32%

Deferred from December 8, 2016 Public Meeting

- a) Attorney to Review Legals: Daniel Ford after review one certified mailing was outstanding at the December 8, 2016 meeting and that is still the case. Any action should be subject to completion of the legal notice requirements.
- b) Petitioner's Comments: David Gozdecki, recommendation from last meeting was to try to flip the house on the property to fit on the lot. This gives a seven (7) foot north side, which is in compliance, then the south side we are asking instead of two and half (2 ½) feet we are asking for five (5) to six (6) feet to cover the porch. The edge of the house goes to seven (7) feet. Both ends of the home are thirty-five (35) and sixty-six (66) feet, so we don't need to address that any longer. Now requesting twenty-seven (27) percent lot coverage instead of thirty-two (32).

- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated he has met all requests we made. Definitely does have a hardship with that lot. Would like the motion to state maximum of thirty (30) percent.
- e) Board's Discussion: Jeremy Kuiper stated from the initial request we are just going for a developmental variance for a side yard on the south of five (5) feet six (6) inch and a lot coverage of 27.87%. Discussion on the meander line ensued.

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the Developmental Variance with a five (5) feet six (6) inch south side yard setback, maximum lot coverage of thirty (30) percent, subject to completion of legal notifications and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

3. John Delahoussaye – Developmental Variance

Owner: Robert J. Bobb, 13007 Wicker Ave., Cedar Lake, IN 46303
 Petitioner: John Delahoussaye, 2035 Lakeside Center Way, #250, Knoxville, TN 37922
 Vicinity: 13007 Wicker Ave., Cedar Lake, IN 46303
 Legal Description: BOBB Autogroup Sub Lot 1
 Tax Key Number(s): 45-15-21-301-020.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXII-Sign Regulations; Section 3: A. 1. No more than two (2) on-premise signs shall be allowed on a zoning lot; c. ii. In the case of two (2) such on-premise signs, one (1) sign shall be no more than sixty (60) square feet in size and one (1) sign shall be no more than thirty-two (32) square feet in size.

This Developmental Variance is to allow the Petitioner to add an additional 3' x 12' sign

Deferred from December 8, 2016 Public Meeting

- a) Attorney to Review Legals: Daniel Ford stated it was continued properly.
- b) Petitioner's Comments: None
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated he made a couple phone calls and Bobb Auto has contacted their engineering company to do the as-built for the detention pond, which is the outstanding item we were deferring this item for. With the weather and holiday month they couldn't get it accomplished.
- e) Board's Discussion: None

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to defer for 30 days to the February 9, 2017 Public Meeting.

Roll Call Vote 5-0

New Business:

1. John & Heather Dessauer – Developmental Variance

Owner: John and Heather Dessauer, PO Box 35, Cedar Lake, IN 46303
 Petitioner: John and Heather Dessauer, PO Box 35, Cedar Lake, IN 46303
 Vicinity: 13941 Lakeview Point Road, Cedar Lake, IN 46303
 Legal Description: LAKEVIEW POINT LOT 9
 Tax Key Number(s): 45-15-27-476-009.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District; Section 4: E. Building Coverage: Not more than twenty-five percent (25%) of the area of the lot may be covered by buildings and/or structures

This Developmental Variance is to allow the Petitioner to build a house with lot coverage over twenty-eight (28%) percent

- a) Attorney to Review Legals: Daniel Ford stated missing one certified mailing, publications are in order. Any action would be subject to the return of the certified mailing.
- b) Petitioner's Comments: John Dessauer, 13125 Polk, Cedar Lake. The architect built this house to fit the lot according to the R-2 Standard. Fell short on twenty-five (25) percent lot coverage.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated they have done everything they were asked. They are only three (3) percent over on lot coverage. Would allow for thirty (30) percent lot coverage.
- e) Board's Discussion: Discussion on drainage easement ensued.

A motion was made by Jerry Wilkening and seconded by John Kiepura to approve the Developmental Variance with maximum lot coverage of thirty (30) percent contingent return of certified mailing and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

2. Environmental Assurance LLC – Use Variance

Owner: CLRP LLC, Lawrence Turnquist, 12005 Parrish Ave., Cedar Lake, IN 46303
 Petitioner: Environmental Assurance LLC, 9620 Industrial Dr., St. John, IN 46373
 Vicinity: 10501 W. 133rd Ave., Cedar Lake, IN 46303
 Legal Description: CEDAR LAKE INDUSTRIAL PARK LOT #7
 Tax Key Number(s): 45-15-28-130-007.000-014

Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XVI-Light Industrial (M-1) Zoning District; Section 2: Use Regulations; B.. 21) Contractor's storage yard

This Use Variance is to allow the Petitioner to run a construction company that performs interior demolition, asbestos removal, HVAC restoration, mold remediation and for the storage of equipment and supplies. With two (2) dumpsters along back northeast corner of the parking lot.

- a) Attorney to Review Legals: Daniel Ford stated all notices are in order, proof of publication are correct and the matter may proceed. Recommends a power of attorney be filled out by Mr. Hughes.
- b) Petitioner's Comments: Brian Hughes, 9755 W. 135th Pl., Cedar Lake. Want to move from St. John to Cedar Lake, want office space closer to home. Does asbestos and mold abatement. Not anything hazardous. All equipment stored indoors, most jobs asbestos and mold goes directly to landfill. Special locked container for asbestos. Bags are all doubled and labeled. Will be adding new flooring, painting and new office inside the building.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated every use in the Industrial Zoning has to be approved by the BZA.
- e) Board's Discussion: Discussion on asbestos storage and type of equipment used. Four to six employees on site. Hours of operation are 8-4:30, five days a week.

A motion was made by John Kiepura and seconded by Jeff Bunge to send a Favorable Recommendation to the Town Council for the Use Variance to allow the Petitioner to run a construction company that performs interior demolition, asbestos removal, HVAC restoration, mold remediation and for the storage of equipment and supplies. With two (2) dumpsters along back northeast corner of the parking lot subject to the return of the power of attorney form issued by the Town of Cedar Lake and to include the findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Yes	Yes	Yes	Yes	5-0

Public Comment: None

Adjournment: Time: 7:39 p.m.

Press Session: Board of Zoning Appeals Meeting – February 9, 2017 at 7:00pm

Nick Recupito

Jeff Bunge, Vice Chairman

Jerry Wilkening

Jeremy Kuiper, Chairman

John Kiepora

Attest: Tammy Bilgri, Recording Secretary

The Town of Cedar Lake is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, please contact the Town Hall at (219) 374-7400.