



**TOWN OF CEDAR LAKE  
BOARD OF ZONING APPEALS PUBLIC MEETING  
MINUTES  
July 13, 2017 7:00 P.M.**

Call to Order (Time): 7:02 p.m.

Pledge to Flag:

Roll Call:

Absent Nick Recupito

Present Jerry Wilkening

Present John Kiepura

Present Jeremy Kuiper

Present Jeff Bunge

Present David Austgen, Town Attorney

Present Tim Kubiak, Director of Operations

Present Michelle Bakker, Building Administrator

Present Tammy Bilgri, Recording Secretary

**Minutes:**

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the June 8, 2017 Public Meeting Minutes as presented.

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

**New Business:**

**1. Jason & Rebecca Marsiglio-Developmental Variance**

Owner/Petitioner: Jason & Rebecca Marsiglio, 9915 W. 128<sup>th</sup> Ln., Cedar Lake, IN 46303

Vicinity: 9915 W. 128<sup>th</sup> Ln., Cedar Lake, IN 46303

Legal Description: Monastery Woods Phase 1 Lot 1

Tax Key Number(s): 45-15-21-258-007.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI-Fence Regulations: Section 1: A. 1) No fence shall be located in the front yard

***This Developmental Variance to allow the Petitioner to have a six (6') ft. fence in a front yard***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Jason Marsiglio, 9915 W. 128<sup>th</sup> Ln., would like to put a privacy fence in the back yard, which is considered a second front yard.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated this is pretty consistent with the neighborhood. Rear yards front on 129<sup>th</sup> Avenue. Owner is wanting to put fence on same line as neighbors.
- e) Board's Discussion: None

A motion was made by John Kiepura and seconded by Jerry Wilkening to approve the Developmental Variance as presented and to include the finding of fact.

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

**2. Chad Kuiper-Developmental Variance**

Owner/Petitioner: Chad Kuiper, 9817 W. 150<sup>th</sup> Ct., Cedar Lake, IN 46303

Vicinity: 9817 W. 150<sup>th</sup> Ct., Cedar Lake, IN 46303

Legal Description: Lynnsway Unit 3 Lot 141

Tax Key Number(s): 45-19-04-230-014.000-057

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI-Fence Regulations: Section 1: A. 1) No fence shall be located in the front yard

***This Developmental Variance to allow the Petitioner to have a six (6') ft. fence in a front yard***

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Chad Kuiper, 9817 W. 150<sup>th</sup> Ct., back yard is considered a front yard and would like to put up a fence.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated same as above item. Should keep it in line with the other fences in the neighborhood.
- e) Board's Discussion: None

A motion was made by Jeff Bunge and seconded by John Kiepura to approve the Developmental Variance as presented and to include the finding of fact.

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

3. Jeff Bianchi-Developmental Variance

Owner/Petitioner: Jeff Bianchi, 8209 Lake Shore Drive, Cedar Lake, IN 46303  
Vicinity: 8209 Lake Shore Drive, Cedar Lake, IN 46303  
Legal Description: Pt. SE.1/4 NE.1/4 S.22 T.34 R.9 L'ng N. of Lake 0.521Ac  
Tax Key Number(s): 45-15-22-286-003.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning: Section 1: The general character of this Residential Zoning District is to consist of single-family dwellings; Section 3: The maximum height of buildings and other structures shall be two (2) stories, not to exceed thirty (30) feet at its peak; Section 4: C. Side Yard: there shall be two (2) side yards, each having a width of not less than eight (8) feet; E. Building Coverage: Not more than twenty-five (25%) percent of the area of the lot; Section 5: A. No building shall be erected for residential purposes having a minimum ground floor area of less than one thousand six hundred (1,600) square feet for a two (2) story house. Minimum foot print for a two (2) story is eight hundred (800) square feet; B. Attached Garages: Maximum attached garage size shall be eight hundred sixty-four (864) square feet

***This Developmental Variance to allow the Petitioner to have two (2) houses on one (1) lot; height of thirty-five (35') feet; three (3') foot side yard; lot coverage over twenty-five (25) percent; ground floor area of zero (0) sq. ft.; a garage of 2,100 sq. ft.***

- a) Attorney to Review Legals: David Austgen stated the legals are in order. Mr. Fitzgerald does have Power of Attorney.
- b) Petitioner's Comments: Todd Fitzgerald, Impact Development Group, the builder working with Jeff Bianchi. Needs a garage to store his helicopter. Purchased lot next door and starting to design a structure that would fit this. Took minimum setbacks and would need a three (3) foot side yard setback. Instead of just a garage, decided would like a guest house above. Discussion of elevations took place and aesthetics. Will demo current house and put this new structure there. The current house is on the lot line, would improve it by three (3) feet. From the road it would look like a new house at ground level. The plan is the minimum they can do to fit the garage door. The existing structure was very close to the road, the new structure will be an improvement.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated will have grass and landscaping with the driveway between the two (2) structures. The lots were combined at County. His property has two (2) houses on one property. Discussion on if it should be a one (1) lot or two (2) lot subdivision.
- e) Board's Discussion: Jerry Wilkening had questions about the foundation height. Discussion on two houses on one lot. David Austgen asked if that

should be replatted. One (1) lot of record in a residential zoning district. Single lot of record by meets and bounds. The demo means he has to conform to current requirements. Concerns with this becoming a permanent residence and not a guest home. Some legalities need to be worked out. Discussion continued regarding other properties in the Town that have similar structures. Jeremy Kuiper stated we can look at it as presented with the variances requested, the other option making two (2) lots of records and platting it as our ordinance states. Tim Kubiak stated can make it one (1) lot of record and not make it a house and ask for an accessory building. Discussion ensued on what type of variances he would need. The petitioner requested a deferral at the recommendation of the Board.

A motion was made by Jerry Wilkening and seconded by Jeff Bunge to defer to the August 10, 2017 Public Meeting at the request of the Petitioner.

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

**Public Comment:**

Robert Carnahan stated the Chamber of Commerce will be holding a dinner and dance on August 5, 2017 at Great Oaks to benefit Project Love Food Pantry.

**Adjournment:** Time: 8:03 p.m.

**Press Session:** Board of Zoning Appeals Meeting – August 10, 2017 at 7:00pm

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Nick Recupito

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Jeff Bunge, Vice Chairman

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Jerry Wilkening

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Jeremy Kuiper, Chairman

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John Kiepura

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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.*