



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

Call to Order (Time): 7:05 p.m.

Pledge to Flag:

Roll Call:

Present Nick Recapito

Absent Jerry Wilkening

Present John Kiepura

Arrived at 7:20 p.m. 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 Nick Recapito to approve the September 14, 2017 Public Meeting Minutes as presented.

Nick Recapito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Absent	Yes	Yes	Absent	3-0

New Business:

1. Nathan Bapple-Developmental Variance

Owner: Nathan Bapple, 7807 W. 127th Ave., Crown Point, IN 46307

Petitioner: Homes By Dutch Mill, 14795 W. 101st Ave., Dyer, IN 46311

Vicinity: 7807 W. 127th Ave., Cedar Lake, IN 46303

Legal Description: PT. SW NW S.23 T.34 R.9 (53.65x165ft) 0.306 AC. M/L

Tax Key Number(s): 45-15-23-154-012.000-043

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District; Section 4: A. Minimum lot area and width: A lot area of not less than ten thousand (10,000-100'x100') square feet, and a lot width of not less than ninety feet (90') at the building line shall be provided for every building for any use permitted in this district. C. Side Yard: On each lot, except as otherwise specified, there shall be two (2) side yards, each having a width of not less than eight (8) feet and the aggregate width of both side yard on any lot shall not be less than twenty percent (20%) of the width of the lot.

This Developmental Variance to allow the Petitioner to build a new home with a lot width of 53.56 ft., lot size of 7,755.2 sq. ft. and side yard setback of 6.28 ft.

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Doug Kvachkoff, 325 N. Main, Crown Point, representing Mr. Bapple. Asking for variance for lot width of 53.56 ft., lot size of 7,755.2 sq. ft. and side yard setbacks of 6.28 ft., which do not meet the ordinance requirements.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated they were here last month for the side yard variance and that was granted to them. The other variances came up due to the need of the one (1) lot subdivision and this is the actual size of the property. They have a preliminary plat approved at the Plan Commission contingent this approval.
- e) Board's Discussion: John Kiepura stated they went over everything at the Plan Commission and everything seems to be in order.

A motion was made by John Kiepura and seconded by Nick Recapito to approve the Developmental Variance as requested and include the affirmative findings of fact.

Nick Recapito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Absent	Yes	Yes	Absent	3-0

2. Chris Boger-Developmental Variance

Owner/Petitioner: Chris Boger, 12832 Hess St., Cedar Lake, IN 46303
Vicinity: 12832 Hess St., Cedar Lake, IN 46303
Legal Description: Monastery Woods Phase 1 Lot 17
Tax Key Number(s): 45-15-21-251-013.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXIV-Swimming Pool: Section 3: Location: No portion of an outdoor swimming pool shall be located at a distance of less than ten (10) feet from any side or rear property line, or at any other location where a “structure” is prohibited.

This Developmental Variance is to allow the Petitioner to have a swimming pool seven (7') ft. from the house

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner’s Comments: Chris Boger, 12832 Hess St., wants to put a pool in the backyard, paid to move NIPSCO lines. Would need to put it seven (7') ft. from the house for it to fit in their yard. If his lot was flat would not have any issue.
- c) Remonstrators: Dana Plant, 10516 W. 129th Ave., on behalf of his mother at 10508 W. 129th Ave. Have no problem with doing improvements to the property. Concerns with putting in a fence and property lines. Will have a survey done. Tim Kubiak stated he could put a fence on his property line without any variance.
- d) Building Department’s Comments: Tim Kubiak stated this is consistent with other houses in this neighborhood. No other place, no problem with seven (7') ft. from the house.
- e) Board’s Discussion: None

A motion was made by Nick Recupito and seconded by John Kiepura to approve the Developmental Variance as presented and to include the affirmative findings of fact

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Absent	Yes	Yes	Absent	3-0

3. Armani Development-Developmental Variance

Owner: Billy’s Sand Box, LLC, 6016 125th Ave., Crown Point, IN 46307
Petitioner: Armani Development, 40 E. Joliet St., 1B, Schererville, IN 46375
Vicinity: 10201 133rd Ave., Cedar Lake, IN 46303
Legal Description: NW NE EXCEPT N.330FT. 29.915AC S.28 T.34 R.9
Tax Key Number(s): 45-15-28-203-001.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title IX-Residential (R-T) Zoning District; Section 4: A. Minimum Lot Area and Width: A lot area of not less than ten thousand (10,000) square feet; C. Side Yard: On each lot, except as otherwise specified, there shall be two (2) side yards, each having a width of not less than ten (10) feet and the aggregate width of both side yards on any lot shall not be less than twenty percent (20%) of the width of the lot; D. Rear Yard: There shall be a rear yard of not less than twenty-five (25%) of the depth of the lot or thirty-five (35) feet; E. Building Coverage: Not more than thirty-eight (38) percent of the area of the lot may be covered by building.

This Developmental Variance is to allow the Petitioner to have a minimum lot area of 7,500 sq. ft, side yards setbacks of 7.5 ft., rear yard setback of twenty-five (25') ft., maximum lot coverage of forty (40%) percent and minimum lot width of sixty (60') ft.

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be held.
- b) Petitioner’s Comments: Doug Rettig, DVG, 1155 Frontline Rd., Crown Point, IN, representing the petitioner. This is about a thirty (30) acre site owned by the LLC Billy’s Sandbox. Located on the south side of 133rd. Completed a boundary survey, wetlands work on the site. Originally prepared a sketch for the owner years ago for the original owner, zoned R-T and at the time we felt

we could get about sixty (60) duplexes on that site. Would like to build cottage homes as well, but they are not allowed according to the ordinance. Would like to put in thirty-two (32) duplexes and forty-two (42) cottage homes. South end would be cottage homes, the north end against the commercial would be the duplexes. Will need variances for lot size for duplex of ninety-five (95') ft. wide, but the minimum width for that zone is eighty (80') ft. and that does not work well for the cottage homes. Asking for sixty (60') ft. width for the cottage homes. Asking for lot size of 7,500 reduced from 10,000 for the cottage home lots. Want side yards of seven and a half (7.5) ft. reduced from ten (10) ft. The rear at twenty-five (25') ft. Building coverage of thirty-eight to forty percent (38-40%). All have two (2) car garages. Total of seventy-four (74) lots. Even if rezoned, would still need variances, because the ordinance does not allow cottage homes. There are some wetlands, proposing a park site, storm water retention, cannot get into any engineering until they know what size.

- c) Remonstrators: Debra Burnett, 13466 Drummond, concerns with drainage, would rather see the cottage homes/single family.
Jim Ludwig, 10501 W. 133rd, concerned with residents complaining about noise from manufacturing in the industrial park and with no fences to keep people off their property.
- d) Building Department's Comments: Tim Kubiak stated currently we do not have a spot for cottage homes in our zoning ordinance. This is another situation where they can do the duplex lots, it is already zoned RT, the Plan Commission liked the idea of the cottage homes. They would be putting in two (2) cottage homes in place of a duplex on an existing lot. Will be giving up some units, will be doing one hundred twenty (120) ft. lot instead of ninety to ninety-five (90-95) ft. lot. This is a product of them going to the Plan Commission and getting some feedback and they are more in favor of half and half.
- e) Board's Discussion: Nick Recupito asked whose idea it was for the cottage homes. Tim Kubiak stated the developer. Jeff Bunge asked if all their floor plans will fit onto these lots. Mr. Rettig stated yes. Discussion on lot size and coverage ensued. Jeremy Kiepura asked if one of the covenants would be no accessory structures on the lots. John Kiepura asked if fences and swimming pools would be allowed. Petitioner answered no accessory structure, fences or swimming pools, this will be an HOA maintained community. Discussion on where other cottage homes are located in town. John Kiepura stated Plan Commission wanted two entrances. Tim Kubiak stated we will eventually have an ordinance for cottage homes. David Austgen suggested they may want to start working on the covenants and commitments for the Plan Commission.

A motion was made by John Kiepura and seconded by Jeremy Kuiper to approve the Developmental Variance as presented and to include the affirmative findings of fact.

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

4. Justin McLean-Developmental Variance

Owner/Petitioner: Justin McLean, 7408 W. 142nd Ave., Cedar Lake, IN 46303
 Vicinity: 7408 W. 142nd Ave., Cedar Lake, IN 46303
 Legal Description: Wilson's Cedar Lake Sub lot 19 & W.1/2 of lot 18 & Sans Souci Park Lot 20 & W.35ft of Lot 18
 Tax Key Number(s): 45-15-35-127-049.000-043

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; B. 3) Fences shall not be constructed of chain link adjacent to any street.

This Developmental Variance is to allow the Petitioner to build a six (6') ft. chain link fence in a front yard on a through lot with zero setback

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Justin McLean, 7408 W. 142nd Ave., wants to build a six (6') ft. chain link fence, really back yard. Has two (2) lots and would connect to neighbor's fence. Trying to keep people from walking through his yard. Mr. McLean stated if he can put up the fence, he will tear it down if he

ever sells his property. He stated that chain link will hold up better than a wood fence.

- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated there is a fence to the west of his property that is eight (8') ft. off the roadway on the property line. We have an ordinance now stating that we don't allow fences fronting adjacent to the roadway. There is a provision for him to have a fence in his rear yard six (6') ft. off the property line, but not chain link. Would like to see something other than chain link and also that six (6') ft. setback from the property line, when you drive down 141st that fence right along the road is not attractive. Does not have a problem with a privacy fence that is not chain link. Mr. McLean received the chain link for free and would like to match it with neighbors fence. Has a bigger problem with a zero setback than a chain link fence. Right now there is no house next to it, but the property on each side is buildable. Will create an awkward situation in the future.
- e) Board's Discussion: Discussion on how many houses in the area. John Kiepura asked if the second lot was buildable if sold. If someone comes in to build on that, they would be grandfathered in with the chain link. John Kiepura stated he sees a hardship with the trespassing and would grant the variance for that, but not the type of fence. The Board discussed moving the location of the fence closer to his house. Tim Kubiak stated if he went thirty (30') ft. from the property line it would be behind a new house. John Kiepura stated a possible deferral, so they can discuss different options.

A motion was made by John Kiepura and seconded by Jeff Bunge to defer at the petitioners request to the November 9, 2017 Public Meeting.

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

5. Matthew Papa-Developmental Variance

Owner/Petitioner: Matthew Papa, 14202 Wheeler St., Cedar Lake, IN 46303
 Vicinity: 14202 Wheeler St., Cedar Lake, IN 46303
 Legal Description: Deerview (Sec Plat) Lot 26
 Tax Key Number(s): 45-15-35-230-004.000-043

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 is to allow the Petitioner to have a six (6') ft. privacy fence in the front yard on a corner lot with a twenty (20') ft. setback

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Matthew Papa, 14202 Wheeler St., from the back of the house comes twenty (20') ft. off the sidewalk, trying to get trees in the back yard.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak the twenty (20') ft. side yard in this situation does not interfere with anyone's house or view of parkway. Good size lots and it is not right on top of anyone.
- 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 affirmative findings of fact.

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

6. Gary Robertson-Developmental Variance

Owner/Petitioner: Gary Robertson, 13901-13913 Lakeview Point Rd., Cedar Lake, IN 46303
 Vicinity: 13901-13913 Lakeview Point Rd., Cedar Lake, IN 46303
 Legal Description: Replat of Lakeview Point Phase 1 Lots 1 & 2 LAKEVIEW POINT LOT 3;
 Tax Key Number(s): 45-15-27-454-018.000-014; 45-15-27-476-002.000-014

Request: Petitioner is requesting a Developmental Variance from Zoning Ordinance No. 496, Title XXI-Fence Regulations: Section 1: A: 1) No fences shall be located in the front yard.
This Developmental Variance is to allow the Petitioner to build a four (4') ft. wrought iron fence in the front yard with a zero setback

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: Gary Robertson, 13901 Lakeview Point Rd., would like to put a fence on a lot he just purchased. It will match the existing fence on his property.
- c) Remonstrators: None
- d) Building Department's Comments: Tim Kubiak stated he is going to make all his property match by extending the wrought iron fence.
- e) Board's Discussion: None

A motion was made by John Kiepura and seconded by Nick Recupito to approve the Developmental Variance as presented and that it match the existing fence and to include the affirmative findings of fact.

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

7. EJ Holdings Phoenix, LLC-Special Use Variance

Owner: EJ Holdings Phoenix, LLC, 13530 Morse St., Cedar Lake, IN 46303
Petitioner: John and Heather Dessauer, 13530 Morse St., Cedar Lake, IN 46303
Vicinity: 13530 Morse St., Cedar Lake, IN 46303
Legal Description: PT. N2 SE NW S.26 T.34 R.9 .69 AC 130 X 230 FT. W. OF CEDAR LAKE-LOWELL ROAD
Tax Key Number(s): 45-15-26-179-035.000-043

Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title XII-Neighborhood Business B-1 Zoning District
This Special Use Variance is to allow the Petitioner to operate a cigar lounge serving alcohol in a B-1 Zoning District

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be held.
- b) Petitioner's Comments: Mr. Samuelson, partner of Mr. & Mrs. Dessauer. The front portion would be a cigar lounge, enclosed. The rest of the place would be nonsmoking, hours from 10:00 a.m. to 10:00 p.m. looking for a higher end clientele. Open to the public, 21 and over, no outdoor entertainment or outdoor seating. Would change current sign to Armour & Shedd. Also owns the lot next to the building and would use it for parking as indicated on site plan. Occupancy of forty-two (42) seats. Current real estate business will be moving to 8600 W.139th Ct. this business will have a kitchen and serve sandwiches and snacks.
- c) Remonstrators: None
- d) Building Department's Comments: None
- e) Board's Discussion: Discussion on if adding outdoor seating in the future. Would need to come back to add outdoor dining. B-1 does not allow alcohol.

A motion was made by John Kiepura and seconded by Jeff Bunge to send a Favorable Recommendation to the Town Council to allow the Petitioner to operate a cigar lounge serving alcohol in a B-1 Zoning District and to include the affirmative findings of fact.

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

8. Jeffrey T. White-Special Use Variance

Owner: Jeffrey T. White, 4704 W. Grace St., Chicago, IL 60641
Petitioner: TKR, Inc., 11401 Wicker Ave., Cedar Lake, IN 46303
Vicinity: 14719 Morse St., Cedar Lake, IN 46303
Legal Description: NW1/4 SE1/4 S.35 T.34 R.9 EX. N.898.20FT & EX. S.208.75FT OF N.1106.95FT OF W.208.75FT & EX. S.50FT OF W.70FT & EX. 50FTX50FT PARCEL 15.551AC

Tax Key Number(s): 45-15-35-416-001.000-043

Request: Petitioner is requesting a Special Use Variance from Zoning Ordinance No. 496, Title VIII-Residential (R-2) Zoning District

This Special Use Variance is to allow the Petitioner to build and operate a pet cemetery

- a) Attorney to Review Legals: David Austgen stated the legals are in order and a public hearing may be conducted.
- b) Petitioner's Comments: John Reed, Abrahamson, Reed & Blise, representing TKR. Wants to clear up any confusion, the zoning category they would have to obtain is B-2, cemeteries are only allowed in B-2 with a special exception, right now property is R-2, we are simultaneously asking for a one (1) lot subdivision. There will not be as in a traditional human cemetery and some pet cemeteries any bodies buried, no moslems, coffins, crypts, tombstones or markers. In order to fit into the zoning, we have to say cemetery. It is a place to bury cremains, which are what is left after a pet is cremated. It is a baby food size jar of inner ash. The crematory that is here in Cedar Lake named Faithful Companion, the name of this facility would be Faithful Memorial Gardens, a very small sign. No light, no noise, proposed a small parking lot, two (2) or three (3) cars. Not a high traffic use. Approximately fifteen (15) acres of land in total, most of the land starting west of the creek and all the way to the east side of the property, that is all flood way and would not be used. Want to take ten (10) acres and have it deemed by DNR as a wildlife habitat. The front 4.79 acres remaining would be the memorial garden. If you walk back to the middle of the property, can't see the houses. Will do landscaping in the front to make it more attractive. Will dig a three (3') ft. hole, want to limit the cremains to the center of the property. The cremains are ash, carbon based organisms. The crematory which does the cremation runs at about two thousand four hundred (2400) degrees which renders everything completely inert. Discussion on picture of proposed landscaping. There will not be any buildings. Some people might come to remember their pets. Most people just want to know that their pet will not be put in a bag in the garbage. One service that TKR provides is for veterinarian office, will end up with remains on a monthly basis, hundreds of animals, they will take all those animals and cremate them. Some people do not want the remains back; they will be taken and destroyed at no cost. If they want them back, they will be put in an urn and given them back. Want a nice place to dispose of remains. Do not plan on creating any public disturbance. Right now there is nothing on this property. This will be maintained, and look like a nice park area. The hole that will be dug may be three ft. by four ft. (3'x4)', with a steel plate covering it. Have no plans to use for any other use in B-2. This would be a single use only. No plan to deforest trees, will beautify the frontage area. Any equipment usage will be done during the day light hours. Does not see how anyone would be offended, if you didn't know it was there, you will not notice it. Someone building a home will cause more disturbances.
- c) Remonstrators: Richard Bates, 7101 W. 148th Ave., concerns with property values and with changing to business zoning.
Terry Hosick, 14727 Morse, concerns with flood plain and burying remains. Nobody wants to live next to a cemetery, doesn't like the idea of a pet cemetery or zoning change. Concerns with ground water, wells and noise from equipment.
Harry Mackey, 14627 Morse St., all that area is low, wet and damp, could not get equipment back there. Concerns with disturbing rattle snakes. Also concerned with B-2 zoning.
Jeremy Kuiper read a letter that was mailed in by Michael Brockman-
Attached
- d) Building Department's Comments: Tim Kubiak stated this is a unique request. Concerns with leaving equipment on the property. Can the cover have a lock? Have door made that you can lock and open without equipment.
Board's Discussion: John Kiepura asked how often they bring cremains to the site and how heavy is that plate. The answer is every two (2) weeks and the plate is 3/4" steel and lift with a backhoe or bobcat. John Kiepura is concerned with marking the hole and having fencing around it. Would like to see it go back to original zoning if they ever sell property. David Austgen stated there will be a zoning commitment that will run with the zoning district amendment if made that would be recorded to run with the land. The zoning would lock in at B-2 with restrictions for the use of the property only as a single use. Any use after would have to be approved. Mr. Bunge brought up

- there is a sewer easement that runs through the property and if any fencing would be put along the perimeter. Lengthy discussion ensued on special use.
- e) John Kiepura asked how long it would take to build a new hole. Estimate was probably an hour. No concerns with noise level. Jeff Bunge stated he knows they have been trying to sell the land off for residential use for years, and it sure seems to me that that is the best use. Could cause a snowball effect. This is a contrast in residential density. Tim Kubiak stated there are a lot of people in town that have had lots developed around them, with swimming pools and decks and kids, there are no easy decisions anymore. Could possibly split that into twenty-five (25) cottage homes, could have something a lot more intrusive put in there. The only reason it is being named B-2 is because of the special use it was granted. Our main lift station is in the front of this property, in the future that lift station may need to expand. There is also a sewer line easement running through this property and public works cleared out the area where it runs.

David Austgen stated if there is an action tonight to certify this matter to the Town Council, minimally it would be advisable for some or all of the following contingencies to be considered: 1. That the zone change be changed from R-2 to B-2 per application; 2. That the special exception for the pet cemetery follow that and there be a zoning commitment accompanying the zoning ordinance regarding the single use only condition that has been discussed here; 3. Discussion about fencing or segregation; 4. That the one (1) lot subdivision plat be approved with the terms and conditions deemed acceptable by the Plan Commission; 5. That site plan approval also be made by the Plan Commission; and a large number of lesser included terms Attorney Reed has represented tonight that there will be no light, no noise, no building, two-four car parking lot. No public disturbance, cremains delivered every two (2) week time period, minimal signage two by three ft. (2'x3'). Description was made of the operation, that there is a location that will be identified for a hundred (100') ft. radius circle in the center of the four (4) acre parcel; that there be the ten (10) plus acre parcel dedicated to a wildlife habitat area pursuant to DNR terms and provisions, the only parcel to be used for this would be the remaining four (4) plus acres of the bisected two (2) parcels within the single parcel. So there are just some items that would be of use to the Town Council.

A motion was made by John Kiepura and seconded by Jeremy Kuiper to send a favorable recommendation to the Town Council per the comments David Austgen made, contingent upon Plan Commission approval and to include the affirmative findings of fact.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
No	Absent	Yes	No	Yes	2-2

No action can be taken on this motion.

A motion was made by Nick Recupito and seconded by Jeff Bunge to send an unfavorable recommendation to the Town Council based on findings of fact that the use and value of adjacent property will be affected in an adverse manner.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
Yes	Absent	No	Yes	No	2-2

No action can be taken on this motion.

A motion was made by John Kiepura and seconded by Jeremy Kuiper to send No Recommendation to the Town Council and include entire record and outcome of the meeting over two (2) separate failed motions.

Nick Recupito	Jerry Wilkening	John Kiepura	Jeff Bunge	Jeremy Kuiper	Vote
No	Absent	No	Yes	Yes	2-2

No action can be taken on this motion.

Discussion ensued on what action should be taken next, a deferral or reconsider the motion of no recommendation. Tim Kubiak stated the Council will give this special consideration and will review the entire record.

A motion was made by John Kiepura and seconded by Jeff Bunge to reconsider the previous motion to send a non recommendation to the Town Council, which previously failed.

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

A motion was made by John Kiepura and seconded by Jeff Bunge to send a non recommendation to the Town Council and to base decision off all items discussed and reported for item number eight (8) and to also take note that there two (2) failed motions on a favorable/nonfavorable recommendation to the Town Council.

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

Public Comment:

Richard Bates, 7101 W. 148th Ave., will they be renoticed about the next meeting?
Jeremy Kuiper stated you will not be renotified by mail.

Adjournment: Time: 9:54 p.m.

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

Nick Recupito

Jeff Bunge, Vice Chairman

Jerry Wilkening

Jeremy Kuiper, Chairman

John Kiepura

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.